

HIGH COURT OF CHHATTISGARH, BILASPUR**WRIT PETITION (S) NO.170 OF 2015**

1. Rajeev Kumar Pathak S/o Shri Gaurishankar Pathak Aged About 50 Years Presently Posted as Sub Engineer at the Office of Assistant Commissioner Tribal Welfare, Ambikapur, District Sarguja (CG).
2. Ajeet Kumar Tigga S/o Shri Benedik Tigga Aged About 44 Years Presently Posted As Sub Engineer At The Office Of Assistant Commissioner Tribal Welfare, Jashpur, District Jashpur (CG).

...Petitioner(s)**Versus**

1. State Of Chhattisgarh Through Secretary, Department Of Scheduled Caste And Scheduled Tribe Development, New Mantrlaya, Mahanadi Bhawan, Naya Raipur, District Raipur, Chhattisgarh
2. Commissioner Department of Scheduled Caste and Scheduled Tribe Development Raipur, Chhattisgarh
3. Chhattisgarh Public Service Commission Through The Secretary, Shankar Nagar, Raipur, District Raipur, Chhattisgarh.

... Respondent(s)

For Petitioners	:	Shri Jitendra Pali, Advocate.
For Respondent-State	:	Ms. Sunita Jain, Panel Lawyer.
For Respondent No.3	:	Shri Ashish Shrivastava, Advocate.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****24.10.2018**

1. The present writ petition has been filed seeking for a direction to the respondents for considering the claim of the petitioners for promotion to the post of Assistant Engineer from the present post which they are holding i.e. Sub Engineer.
2. The contention of the petitioners is that they have been eligible for the said promotion since 2012 onwards and the immediate superior authority in the department have also recommended the case of the petitioners for promotion right from 2012 onwards, but for the

inaction on the part of the State Govt. in holding Departmental Promotion Committee (DPC) meeting, their claim could not be processed. He further submits that this petition may be disposed of in the light of the order passed by this court in WPS No.2214 of 2008 decided on 10.03.2010 and also recent decision of this court in WPS No.1331 of 2016 decided on 07.07.2016. The view of the court in these two petitions was that under the rules the respondents are bound to convene DPC on a regular interval preferably annually, but since the State did not hold regular DPC, both the writ petitions were disposed of with specific direction to the State authorities to hold DPC at the earliest and to consider the case of the petitioners if they fall in the zone of consideration.

3. The respondents though do not dispute the two orders passed by this court is concerned, however, as far as the claim of the petitioners is concerned, the stand of the respondents is that their claim is under consideration by the respondents and whenever DPC shall be held, their case would also be considered provided they fall within the zone of consideration.
4. Having considered the contentions put forth on either side and on perusal of records and taking advantage of the two judgments referred to above dated 10.03.2010 passed in WPS No.2214 of 2008 and also recent decision of this court in WPS No.1331 of 2016 decided on 07.07.2016 and another judgment passed on 31.08.2017 on same line in WPS No.4350 of 2017, this court is of the opinion

that the present writ petition also can be allowed and disposed of in similar terms.

5. Accordingly, the present petition also stands allowed and disposed of. It is directed that the respondent/State shall take necessary steps to hold DPC meeting for considering the cases of eligible employees for promotion to the post of Assistant Engineer from the feeder cadre of Sub Engineer and if the petitioners are also in the zone of the consideration then they shall also be considered for promotion. However, it is directed that if the petitioners are found suitable, necessary orders be passed at the earliest. Let this exercise be done within a period of four months from the date of receipt of certified copy of this order.

Sd/-
(P. Sam Koshy)
Judge