

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 6551 of 2007

Smt. C.M. Sinha W/o Shri Pradeep Sinha, aged about 44 yrs, Mahi Road, Kedarpur, Ambikapur, District - Surguja C.G. ---- **Petitioner**

Versus

1. State Of C.G. Through the Secretary, Women and Child Welfare Department, DKS Bhawan, Mantralaya, Raipur (CG)
2. Director, Directorate Of Women And Child Welfare Department, Old Nursing Hostel, District - Raipur C.G.
3. Smt. Poonam Verma, aged about 47 yrs., Child Development Project Officer, Women And Child Welfare Department, Kota, District - Bilaspur C.G. ---- **Respondents**

For Petitioner	:	Mr. Anup Majumdar, Advocate
For State	:	Mr. Majid Ali, Dy. G.A.
For Respondent No.3	:	Mr. Manoj Paranjpe, Advocate

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

15/05/2018

Heard.

1. Though the petition as originally filed, sought quashing of promotion of respondent No.3 with the prayer for grant of promotion to the next higher post of Assistant Project Officer and further promotion as Project Officer from due dates, during the course of hearing, learned counsel for the petitioner now confines his claim for grant of notional promotion to the next higher post of Assistant Project Officer from due date without disturbing seniority of respondent No.3.

2. The basis of claim for treating the petitioner as Mukhya Sevika (मुख्य सेविका) / Supervisor is that as per order of absorption dated 27th May, 1985, the petitioner was entitled to count seniority from the date of appointment as Teacher. According to the petitioner, she was appointed as Teacher on 08.10.82 whereas the respondent was granted the petitioner seniority Mukhya Sevika (मुख्य सेविका) /Supervisor on 27th of May, 1985.

3. Only on the aforesaid limited aspect of the matter, this Court finds that in order dated 27th of May, 1985 which was recorded that the seniority would be counted with reference to the original post of Assistant Teacher, appropriate relief may be granted.
4. Learned State counsel also could not dispute this factual position that in order dated 27th of May, 1985 such a stipulation was made.
5. In that view of the matter, controversy having been narrowed down to the aforesaid aspect, this petition is partly allowed to the extent that the respondent shall examine the petitioner's case for promotion to the post of Assistant Project Officer giving her seniority of the post of Assistant Teacher.
6. As the petitioner has already been promoted as Assistant Project Officer and thereafter as Project Officer, the result would only be grant of notional seniority from some earlier date to which the petitioner may be entitled.
7. It is made clear that as the petitioner has given up challenge to the promotion of respondent No.3, grant of proforma seniority as Assistant Project Officer or Project officer shall not adversely affect the promotion or seniority of respondent No.3.

Sd/-
(Manindra Mohan Shrivastava)
Judge