

HIGH COURT OF CHHATTISGARH, BILASPUR

WA No. 105 of 2018

- B.K.Dhir (Balraj Kumar Dhir) S/o Shri Satya Prakash Dhir, aged abotu 74 years, Occupation- retired Superintendent Engineer Water Resources Department, Mahanadi Godawari Basin, Raipur R/o MIG 19, Indrawati Colony, Raipur, District - Raipur (CG)

---- Appellant

Versus

1. The State Of Chhattisgarh, through : the Secretary, Water Resources Department, Mantralaya, Mahanadi Bhawan, Naya Raipur (CG)
2. The Engineer in Chief, Water Resource Department, Civil Lines, Sihava Building, Raipur, District - Raipur (CG)

---- Respondents

For Appellant : Shri Roop Naik, Advocate
For Respondents/State : Shri UNS Deo, Government Advocate

Hon'ble Shri Thottathil B. Radhakrishnan, Chief Justice
Hon'ble Shri Justice Sharad Kumar Gupta

Judgment on Board

Per Thottathil B. Radhakrishnan, Chief Justice

23.02.2018

1) The appellant was Superintending Engineer, Water Resource Department. He was due to retire on 30.09.2003. He moved Writ Petition before this Court complaining that he is not likely to be considered in the DPC (Departmental Promotion Committee) for promotion to the post of Chief Engineer, which was then due to be held on 24.09.2003. The two grounds on which he apprehended such exclusion from consideration by DPC is that he was due to retire and that his confidential report was not available with the DPC. The fact of the matter remains that the case of the petitioner was not considered in the DPC on 24.09.2003 though he was eligible for such consideration. The Learned Single Judge has issued the

impugned judgment directing the consideration of his representation. This event has happened on 22.01.2018.

2) Hearing the learned counsel for the appellant and the learned Government Advocate, we are of the view that what needs to be done is that the competent authority among the respondents has to look into the records relating to the appellant and have a DPC held for considering his case for promotion as on 24.09.2003. This means that the records relating to the petitioner should be treated as if it is for a review DPC as on that date and if the resultant decision is in favour of the petitioner, that should be effectuated by notionally promoting him to the appropriate category; may be as Chief Engineer; and notionally fixing his pay and allowances in that post. Thereupon, the last pay that would have been drawn had he been a Chief Engineer, would be certified for re-fixation of the retiral benefits. Let such action follow within a period of two months from the date of receipt of copy of this order. We are sure that the respondents will expedite the matter having regard to the fact that the appellant is now aged about 74 years.

3) Accordingly, this writ appeal is ordered directing that the aforesaid shall be done within two months without fail, from the date of receipt of a copy of this judgment. The appellant is authorised to place a certified copy of this judgment before the first respondent for due and timely compliance.

Sd/-
(Thottathil B. Radhakrishnan)
Chief Justice

Sd/-
(Sharad Kumar Gupta)
Judge