

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 2247 of 2009**

Smt. Kunti Sidar, W/o. C.S. Sidar, Aged about 42 years, Occupation Assistant Grade-II, R/o. Block Colony, Tamnar, Tahsil Tamnar, District Raigarh Chhattisgarh

---- Petitioner**Versus**

1. State of Chhattisgarh, Through Secretary, Tribal Welfare Department, D.K.S. Bhawan, Mantralaya, Raipur, District Raipur, Chhattisgarh.
2. Assistant Commissioner, Tribal Welfare, Raigarh, Tahsil and District Raigarh Chhattisgarh
3. Bhagwat Singh Sidar, S/o. Lodhram, Accountant, Government Higher Secondary School, Bhupdevpur, Tahsil and District Raigarh Chhattisgarh

----Respondents

For Petitioner	:	Mr. Rajkumar Pali, Advocate
For State	:	Mr. S.P. Kale, Dy. A.G.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****19/09/2018**

1. The claim in the present writ petition is for grant of promotion from the date the respondent No.3 has been granted promotions both on the post of Assistant Grade-II i.e. w.e.f. 30.06.1999 and further on the post of Accountant w.e.f. 08.11.2006.
2. The contentions of the petitioner is that the date of appointment of the petitioner as well as the respondent No.3 is the same i.e. 30.06.1993 (Annexure P/2) and in the said list the name of the petitioner finds place in the order of merit over the petitioner i.e. the name of the petitioner stood at serial No.4 and the name of the respondent No.3 stood at serial No.5. When the promotion orders were issued on 30.06.1999, the respondent No.3 has been granted promotion ahead of the petitioner and subsequently on the post of Accountant also i.e. on 08.11.2006. The respondent No.3 has been considered for

promotion ahead of the petitioner, leading to the filing of the present petition.

3. Perusal of the record shows that the gradation list was published showing the seniority of the persons as on 01.04.1998. The name of the respondent No.3 finds place at serial No.108 and the name of the petitioner finds place at serial No.110, that itself shows that the petitioner is junior to the respondent No.3. The details provided in the gradation list also reflect that the seniority has been granted in the department as per the date of joining.
4. The petitioner as well as the respondent No.3 both having being appointed vide the same order, but since the respondent No.3 had joined the services earlier to the petitioner, in the order of seniority the respondent No.3 has been placed ahead of the petitioner.
5. The petitioner now is only aggrieved by the decision of the respondents, whereby they intimated the petitioner that he has not been considered for promotion for the reason that the date of appointment of the petitioner has been reflected as 20.07.1993, whereas it is 30.06.1993. The said order may not affect the claim of the petitioner in any manner for the reason that use of the word may not be of much relevance while deciding the seniority of the petitioner. What has to be seen is that there is no dispute or challenge to the gradation list as it exists on 01.04.1998. The gradation list clearly reflects that the respondent No.3 has been placed at serial No. 108 and the petitioner has been placed below the respondent No.3 at serial No.110. The said gradation list also shows that the dates of joining of the two

persons are also different and it is the respondent No.3 who has joined the services earlier to the petitioner.

6. Given the said facts, if the respondent No.3 has been considered for promotion as per the availability of the vacancy ahead of the petitioner, the petitioner should not have any grievance and this Court does not find any strong case for grant of the relief sought for. Moreover, it has now been found that the petitioner has subsequently been granted all the promotions periodically.
7. Given the facts, this Court does not find any merits, the writ petition fails and is accordingly dismissed.

Sd/-
(P. Sam Koshy)
Judge

Ved