

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 3153 of 2005

Naval Kishore Bhattar, S/o Shri R.L. Bhattar, Deputy Collector, Dhamtari

---- Petitioner

Versus

1. Govt. of MP through the Secretary Revenue Department Vallabh Bhavan Bhopal
2. Govt. of MP through Secretary General Administration Department Vallabh Bhavan Bhopal
3. D.S. Sharma Deputy Collector Indore

---- Respondents

For Petitioner	:	Shri Manish Sharma and Shri Pragalbha Sharma, Advocates
For State	:	Shri Chandresh Shrivastava, Panel Lawyer

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

Order On Board

09/04/2018

1. The petitioner has filed this petition seeking a direction for grant of seniority as Tehsildar with effect from the date respondent No.3 was granted under judicial order dated 13.9.1996 of the State Administrative Tribunal (in short "the Tribunal") and for consequential benefit of consideration of his case for promotion to the post of Deputy Collector and promotion as Deputy Collector w.e.f. 20th June 1997 i.e. the date from which respondent No.3 was promoted as Deputy Collector.
2. The petitioner was initially appointed as Nayab Tehsildar in the year 1978. Respondent No.3 was also appointed as Nayab Tehsildar in the same year. According to the petitioner, though he was entitled to be considered for

promotion in the year 1987 itself, he was not granted promotion in that year and it was only in the year 1988 that the petitioner was considered and then promoted belatedly vide order dated 3.10.1988.

3. According to learned counsel for the petitioner, respondent No.3 was junior to the petitioner. He was also promoted as Tehsildar vide order dated 3.10.1988 and he being junior, was placed below the petitioner. As Nayab Tehsildar also, respondent No. 3 was junior to the petitioner as his name appeared at serial no.47 whereas petitioner was placed at serial no.42 of the initial appointment order dated 13.10.1978.

4. It is contended that Shri D.S. Sharma/respondent No.3 filed a petition before the Tribunal which was allowed vide order dated 13.9.1996 whereby the Tribunal directed the State to finalize his claim of seniority and notional promotion since 1987. Thereafter, respondent No.3 was granted notional seniority from 1987 and on that basis, was benefited with promotion to the next higher post of Deputy Collector.

5. Therefore, it is claimed by the petitioner that both as Nayab Tehsildar and Tehsildar, the petitioner was senior to respondent No.3, the petitioner should also be granted benefit of seniority from 1987 in the manner it was granted to respondent No.3 and consequential benefit of consideration of promotion to the post of Deputy Collector w.e.f. 20th June 1997.

6. Learned counsel for the State opposed the submissions. He submits that respondent No.3 was granted seniority w.e.f. 1987 under the Judicial Order passed in 1996. The petitioner thus became junior to respondent No.3. The petitioner remained content with the seniority position and did not claim similar benefit and it is only after respondent No.3 was promoted as Deputy Collector in the year 1997 that the petitioner started raising claim. Therefore, his claim suffers from delay and laches and only on this ground, the petition is liable to be dismissed.

7. Though there is no dispute that as Nayab Tehsilar and then Tehsildar, respondent No.3 was junior to the petitioner, however, it has to be seen that respondent No.3, not satisfied with the date of promotion as Tehsildar, took remedy under the law for redressal of his grievance and filed an Original Application before the Tribunal registered as O.A. No.123 of 1993. That petition was decided vide order dated 13.9.1996 and the Tribunal was of the view that respondent No.3 is entitled to be considered for grant of seniority from 1987.

8. It appears that after the Tribunal passed the order on 13.9.1996 in the petition filed by D.S. Sharma in the year 1993, seniority was granted to him. However, the petitioner did not take any prompt steps at that stage. After some time, in the month of June 1997, D.S. Sharma was granted promotion as Deputy Collector. At this stage, the petitioner started raising claim that he should also be granted seniority. Respondent No.3 approached the Tribunal and sought enforcement of his right. The petitioner did not take any step. The petitioner approached the Tribunal only when on the basis of order passed by the Tribunal, D.S. Sharma got promotion in the year 1997. It would thus appear that the petitioner, did not raise any grievance against his seniority as Tehsildar in the year 1988 for a long time and it appears that because one of the officers had earlier approached the Tribunal and got some relief, the petitioner had raised a dispute of seniority after long time. Therefore, taking into consideration the settled legal position that in the matter of seniority and promotion, the claim is required to be raised within a reasonable time and not after inordinate delay, I am not inclined to grant any relief to the petitioner.

9. The petition is liable to be dismissed and is accordingly dismissed.

Sd/-
(**Manindra Mohan Shrivastava**)
Judge