

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WA No. 490 of 2018**

1. N. B. Singh S/o Shri R. S. Singh Aged About 61 Years Occupation Executive Engineer, In- Charge Superintending Engineer, Bridge Circle Raigarh Division, District- Raigarh, Chhattisgarh. (Petitioner No. 1)
2. G. P. Power, S/o Late Shri R. L. Powar, Aged About 61 Years Occupation- Executive Superintending Engineer, Bridge Circle Raipur, Division, District- Raipur, Chhattisgarh.Petitioner No. 2.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, Public Works Department, Mahanadi Bhawan Naya Raipur, Chhattisgarh.(Respondent No. 1),
2. Chhattisgarh Public Service Commission, Shankar Nagar Road, Bhagat Singh Square, Raipur, District- Raipur, Chhattisgarh.(Respondent No. 2).
3. N. K. Lal Occupation- Executive Engineer, Electrical And Mechanical Division, Public Works Department, Bilaspur, District Bilaspur, Chhattisgarh.Respondent No. 3,
4. T. R. Kunjam, Occupation Executive Engineer, Electrical And Mechanical Division, Public Works Department, Durg, District Durg, Chhattisgarh.(Respondent No. 4),
5. Fabiyan Xess, Occupation Executive Engineer, Office Of Engineer In Chief Public Works Department, Raipur, District- Raipur, Chhattisgarh.(Respondent No. 5).
6. Ajay Kumar Tembhurne, Executive Engineer, Electrical And Mechanical Division, Public Works Department, Durg District- Durg, Chhattisgarh.(Respondent No. 6).
7. S. S. Bhupal, Executive Engineer, Electrical And Mechanical Division, Public Works Department, Durg District- Durg, Chhattisgarh.(Respondent No. 7)
8. Surendra Singh Majhi, S/o Late Shri Jaggannath Majhi, Occupation- Executive Engineer, A D B Project, Bilaspur, District- Bilaspur, Chhattisgarh.(Petitioner No. 3).
9. Hari Ram Dhruv S/o D. R. Dhruv, Occupation- Executive

Engineer, Public Works Department, Gariyaband, District-Gariyaband, Chhattisgarh.(Petitioner No. 4).

10. Devendra Kumar Netam, S/o G. R. Netam, Occupation- Executive Engineer, Public Works Department, Gariyaband, District-Gariyaband Chhattisgarh.(Petitioner No. 5)

---- Respondent

For Appellant	Mr. Saurabh Dangi, Advocate
For Respondent /State	Mr. YS Thakur, Additional Advocate General
For Respondent No.2	Mr. YC Sharma, Advocate
For Respondent No.4	Mr. Prasoon Agarwal, Advocate
For Respondent No.5	Mr. Ravindra Sharma, Advocate
For Respondent No.7	Mr. Abhishek Sinha, Advocates
For Respondent No.8	Mr. Anshuman Shrivastava, Advocate

Hon'ble Shri Ajay Kumar Tripathi, Chief Justice
Hon'ble Shri Justice Prashant Kumar Mishra

Per, Ajay Kumar Tripathi, Chief Justice

3/8/2018

1. Heard.
2. The writ appeal was preferred against the order dated 25.4.2018, when the learned Single Judge decided to vacate the interim order initially passed on 15.1.2018.
3. The matter related to issue of grant of promotion on the post of Superintending Engineer.
4. The stand of learned counsel for the petitioner/appellant is that there is a common cadre and a common seniority list of all the Branches for promotion to the post of Superintending Engineer but the learned Single Judge on due assistance came to a preliminary opinion that it does not seem to be so. Therefore, he decided not to forestall or create impediment in the way of

a decision, which the State would like to take.

5. We are *prima facie* satisfied that the reasons provided by the learned Single Judge for vacating the interim order cannot be said to be an exercise in discretion illegally or irrationally. However, without commenting any further on the subject matter of dispute, since the writ petition is still pending for final adjudication, let the parties appear and assist the learned Single Judge. It goes without saying that the observations of the learned Single Judge while vacating the interim order is only his preliminary observation and it will be always subject to final assistance and arguments.
6. The writ appeal otherwise stands dismissed with observations as above.

Sd/-

(Ajay Kumar Tripathi)
Chief Justice

Sd/-

(Prashant Kumar Mishra)
Judge