

HIGH COURT OF CHHATTISGARH AT BILASPURWPS No. 3917 of 2018

Pramod Kumar Gupta S/o Late Shri Ayodhya Prasad Gupta, aged about 51 years, Posted as Tehsildar, Masturi, District Bilaspur (C.G.).

---Petitioner

**Versus**

1. State Of Chhattisgarh, Through Secretary, Revenue Department, Mahanadi Bhawan, New Raipur, District Raipur (C.G.).
2. Chhattisgarh State Public Service Commission, through its Secretary, Chhattisgarh State Public Service Commission, Shankar Nagar Road, Bhagat Singh Square, Raipur (C.G.).

---Respondents

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|----------------|---|--------------------------------------------|
| For petitioner | : | Shri Anup Majumdar, Advocate.              |
| For resp.No.2  | : | Shri B.D.Guru, Advocate.                   |
| For State      | : | Shri Shashank Thakur, Government Advocate. |

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Hon'ble Shri Justice P. Sam Koshy

Order on Board

07/08/2018

1. The sole grievance of the petitioner in the instant Writ Petition is that, the petitioner working as a Tahsildar is entitled for being promoted as a Deputy Collector.
2. According to the petitioner, the juniors to the petitioner have also been promoted by the respondents.
3. The counsel for the petitioner submits that, the only ground for non-consideration of the petitioner was that a criminal case pending before the JMFC, Akaltara. He submits that, the said complaint case has been constituted by some private persons and not by the State Government and that so far as the State is concerned, no Departmental Enquiry, no

Chargesheet, etc. is initiated or pending against the petitioner. He further submits that, there are instances where persons who are charged for the offence under Prevention of Corruption Act pending their criminal case also has been granted promotion, but malafidely, the case of the petitioner have been kept in abeyance by the respondents.

4. The counsel for the petitioner submits that, the petitioner has made repeated representations in this regard to the respondents, but till date the same have not been decided.

5. The State counsel submits that, if at all if the petitioner's representation is pending, the respondent authorities shall be deciding the same in accordance with law at the earliest.

6. Given the aforesaid facts and circumstances of the case so also taking into consideration the submissions made by the counsel for either side, reserving the right of the petitioner to make a fresh representation if he so chooses to the respondent No.1 within a period of 2 weeks' from today, the respondent No.1 is further directed to decide the representation within a further period of 2 months.

7. While deciding the representation, the respondent No.1 shall consider all the contentions which the petitioner shall be raising in his representation.

8. The Writ Petition accordingly stand disposed off.

Sd/-

**(P. Sam Koshy)**  
**JUDGE**