

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WA No. 552 of 2018**

- H. R. Verma S/o Shri Purushottam Verma, Aged About 55 Years
R/o Shivanand Nagar, Sector-2, Raipur, District Raipur
Chhattisgarh.

---- Appellant**Versus**

1. State Of Chhattisgarh Through The Secretary, Department,
Department Of Commerce And Industries, Mahanadi Bhawan,
Naya Raipur, District Raipur Chhattisgarh.
2. Chhattisgarh State Industrial Development Corporation, Through
Its Managing Director, First Floor, Udyog Bhawan, Ring Road No.
1, Raipur, District Raipur Chhattisgarh.
3. G.K. Swarnakar, Aged About 55 Years, S/o not known, Posted As
Executive Engineer, Chhattisgarh State Industrial Development
Corporation, Ring Road No. 1, Raipur, District Raipur
Chhattisgarh.

---- Respondent

For Appellant : Shri Abhishek Vinod Deshmukh, Advocate.
For Respondent No. 2 : Shri Animesh Tiwari, Advocate.

Hon'ble Shri Ajay Kumar Tripathi, CJ &
Hon'ble Shri Prashant Kumar Mishra, J

Judgment On Board By Ajay Kumar Tripathi, CJ

25/07/2018 :

1. Settled position of seniority for almost 22 years cannot be allowed
to be over turned at the convenience of an employee. This is what

has happened in the present Appeal, the appellant, who was petitioner before the learned Single Judge filed a representation before the respondent State authorities against grant of promotion to respondent No.3. He claimed that he was senior to respondent No.3 when they were initially appointed on the post of Junior Engineer in the year 1983, but that seniority position was rearranged some times in the year 1994. Since there was no avenue or immediate chance of promotion to the next higher post, it is the case of the appellant that he ignored such position. Only when the promotion has now been granted to respondent No.3 on the post of Executive Engineer that the present appellant has a grievance.

2. Learned Single Judge has taken note of the fact that seniority of the present appellant stood altered in the year 1994 viz. a viz. respondent No.3. Thereafter many provisional and final gradation lists have been published from time to time but at no point of time the appellant raised any objections which were called for after publication of the provisional gradation list. He has woken up only when respondent No.3 who has been shown to be senior to the present appellant for almost 22 years that now he has a grievance against his seniority.
3. Learned Single Judge taking note of this laches and delay on the part of the appellant to assail that situation on a such a belated hour

has rightly dismissed the writ application, as settled position cannot be unsettled after more than two and half decades at the convenience of the appellant.

4. The writ Court has committed no error which requires to be rectified in appeal
5. The Appeal has no merit. It deserves to be and is hereby dismissed.

Sd/-
(Ajay Kumar Tripathi)
Chief Justice

Sd/-
(Prashant Kumar Mishra)
Judge

Barve