

AFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Writ Petition (S) No. 4852 of 2018**

1. Kanta Prasad Maheshwari S/o Shri Dhanau Ram Aged About 34 Years Working As Workshop Attendant, Posted At Govt. I.T.I. Dabhara, District- Janjgir-Champa, Chhattisgarh.
2. Ultra Kumar Kewat S/o Shri Ramcharan Kewat Aged About 36 Years Working As Workshop Attendant, Posted At Govt. I.T.I. Korba, District- Korba, Chhattisgarh.
3. Smt. Laxmin Baragha W/o Shri Laxmi Prasad Aged About 39 Years Working As Workshop Attendant, Posted At Govt. I.T.I. Korba, District- Korba, Chhattisgarh.

---- Petitioners**Versus**

1. State Of Chhattisgarh Through The Secretary, Skill Development, Technical Education And Employment, Department, Mahanadi Bhawan Naya, Raipur, Chhattisgarh.
2. Director Employment And Training, New Raipur, Chhattisgarh.

---- Respondents

For Petitioners : Mr. Somkant Verma, Advocate

For State : Mr. Dhiraj Wankhede, Govt. Advocate

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****30.07.2018**

1. Heard counsel for the parties.
2. By this petition, the petitioners are seeking issuance of direction to the respondent authority to consider the case of the petitioners for grant of promotion to the next higher post of Training Officer.
3. Learned counsel for the petitioners submit that the petitioners are presently working as Workshop Attendant and having completed minimum service of five years, has become eligible for being considered for promotion to the next higher post of Training Officer. He has placed on record the State wise Gradation List. He submits that though, large number of posts of Training Officer are lying vacant, but the

departmental promotion committee is not being convened. The relevant rules applicable for grant of promotion in the department have been placed on record as Annexure P/5, known as Chhattisgarh Industrial Training (None Gazetted) Class III Service Recruitment Rules, 2014 (In Short “the Rules of 2014”). Rule 13 of the Rules of 2014 obliges the respondents to hold departmental promotion committee, which should normally be convened within a period of one year and promotions are required to be made in accordance with the provisions of Chhattisgarh Public Service (Promotion) Rules, 2003. If the posts are lying vacant and the eligible officers are available for being considered, the rule obliges the respondent authority to hold departmental promotion committee and fill-up that posts instead of keeping the same vacant.

4. In the present petition, it has been averred that large number of posts are lying vacant, but actually how many posts are lying vacant, have not been disclosed.
5. Learned counsel for the petitioners draws attention of this Court to indicating that 231 posts are lying vacant.
6. In these circumstances, this petition is disposed off at this stage, with a direction to the respondents to verify the vacant posts of Training Officer and consider the petitioners and other eligible officers for grant of promotion to the next higher post i.e. Training Officer in accordance with the applicable Rules. Taking into consideration the nature of exercise required to be undertaken, at this stage, no specific time limit is being fixed, but it is expected that the process of promotion shall be completed within a period of four months from the date of receipt of a copy of this order.

Sd/-

(Sharad Kumar Gupta)
JUDGE

L/-