

HIGH COURT OF CHHATTISGARH, BILASPUR**WRIT PETITION (S) NO.5392 OF 2018**

1. Rama Shankar Yadav Late B L Yadav Aged About 35 Years Presently Working Workshop Attended, R/o I T I Colony Korba Police Station Rampur, Tahsil And District Korba Chhattisgarh.
2. Sant Kumar Yadav S/o Late Agnu Ram Yadav Aged About 33 Years Presently Working Workshop Attended, R/o Iti Colony Korba, Police Station Rampur, Tahsil And District Korba Chhattisgarh.
3. Aditya Narayan Nair S/o Late Krishn Nair Aged About 35 Years Presently Working Workshop Attended R/o Iti Colony Koni Bilaspur Police Station Koni, Tahsil And District Bilaspur Chhattisgarh.

...Petitioner(s)**Versus**

1. State Of Chhattisgarh Through Secretary Department Of Technical Education Mantralaya Capital Complex Mahanadi Bhawan Naya Raipur District Raipur Chhattisgarh.
2. Commissioner - Cum - Directorate Of Technical Education , Employment And Training Indrawati Bhawan Naya Raipur District Raipur Chhattisgarh.
3. Deputy Director (Training) Department Of Industrial Training , Indrawati Bhawan Naya Raipur District Raipur Chhattisgarh.

... Respondent(s)

For Petitioner(s)	:	Shri Pramod Shrivastava, Advocate.
For Respondent-State	:	Shri Ratan Pusty, Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****23.08.2018**

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, have 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/-
(P. Sam Koshy
Judge