

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 5386 of 2018**

Ravi Shankar Gupta S/o Late Shri Dileshwar Prasad Gupta Aged About 53 Years Accountant At District Project Coordinator Rajiv Gandhi Shiksha, Mission, Serve Shiksha Abhiyan, Jila Panchayat Campus 2nd Floor, Bilaspur, District- Bilaspur, Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary Department Of Tribal Welfare New Mantralaya, Mahanadi Bhawan, Naya Raipur, District- Raipur, Chhattisgarh.
2. Commissioner Scheduled Caste And Scheduled Tribe Development Department, Block-D, Ground Floor, Indravati Bhawan, Naya Raipur, District- Raipur, Chhattisgarh.

----Respondents

For Petitioner	:	Mr. A.S. Rajput, Advocate
For State	:	Mr. S.P. Kale, Dy. A.G.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****23/08/2018**

1. The grievance of the petitioner in the present writ petition is that though the petitioner is substantively an employee of the Tribal Welfare Department where he was initially appointed in the year 1987, his seniority in the parent department is not being maintained only because the services of the petitioner has been placed on deputation in the Rajiv Gandhi Shiksha Mission.
2. The counsel for the petitioner submits that in the event if his lien is maintained in his parent department, the petitioner is entitled for the regular promotion that he would be entitled for in the department and atleast his case should be considered by the respondents in this regard.

3. According to the petitioner, the Assistant Commissioner in the department has also recommended the case of the petitioner.
4. Given the said facts and circumstances of the case, let the respondent No.1 on a representation being made by the petitioner within a period of 15 days from today take a decision in this regard and issue appropriate instructions to the respondent No.2 deciding whether the petitioner has to be treated as an employee of the Tribal Welfare Department or has to be treated as an employee under Rajiv Gandhi Shiksha Mission.
5. In case, if the petitioner is found to be an employee of the Tribal Welfare Department, then the petitioner's case for promotion in accordance to his seniority has to be considered.
6. Let this exercise be done within a period of 60 days from today.
7. It is expected that the respondent authorities would decide the case of the petitioner at the earliest keeping in view the fact that there is a likelihood of a D.P.C. to be held very soon.

Sd/-
(P. Sam Koshy)
Judge