

NAFR

**HIGH COURT OF CHHATTISGARH AT BILASPUR****W.P.S. NO. 6353 OF 2018**

- Mahajan Bandhade, S/o Late Santram Bandhade, aged about 59 years, R/o Village Kobiya Ward No.10, B.IT. Colony, Bemetara, District Bemetara (CG)

**... Petitioner****versus**

1. State of Chhattisgarh, through its Secretary, Panchayat & Rural Development Department, Naya Raipur, District Raipur (CG)
2. Joint Secretary, Panchayat & Rural Development Department, Naya Raipur, District Raipur (CG)
3. Chief Engineer, office of Development Commissioner, Indrawati Bhawan, Block 1, Ground Floor, Raipur, District Raipur (CG)

**... Respondents**

|                 |   |                                         |
|-----------------|---|-----------------------------------------|
| For Petitioner  | : | Mr. Mateen Siddiqui, Advocate.          |
| For Respondents | : | Mr. Adhiraj Surana, Dy. Govt. Advocate. |

**Hon'ble Shri Justice P. Sam Koshy****Order on Board****24/09/2018**

1. Claim of the petitioner in the present writ petition is for a direction to the respondents to get one post vacant of Assistant Engineer (SC) under the department in which the petitioner is working.
2. The petitioner has been punished vide the order of punishment dated 22.6.2018, Annexure P-5, and the punishment was for stoppage of two increments without cumulative effect.
3. The petitioner has preferred an appeal against the said order and the appeal is till date pending consideration before the authorities concerned.
4. According to the petitioner, meanwhile, the respondents are initiating some promotional process for filling up of the post of Assistant Engineer and the petitioner also but for the order of punishment was eligible for the promotion in the reserved Scheduled Caste category.
5. The only limited prayer which the petitioner has made is that, pending the appeal, the respondents may keep one post vacant of Assistant Engineer (SC) in the promotion process which they intend to initiate.

6. The said contention and request is not opposed by the State Counsel.
7. Considering the entire facts and circumstances of the case and also taking note of the fact that the petitioner has already preferred an appeal before the appellate authority, it is expected that the appellate authority shall take a decision at the earliest.
8. Meanwhile, in case of any promotional process which is initiated for filling up of the post of Assistant Engineer (SC), the authorities concerned shall ensure that one post is kept vacant for the petitioner to be considered against the said vacant post, subject to the outcome of the appeal.
9. The writ petition stands allowed and disposed of accordingly.

**Sd/-**  
**(P. Sam Koshy)**  
**Judge**