

HIGH COURT OF CHHATTISGARH, BILASPUR

WA No. 64 of 2019

- Deepan Kumar Chakravarty S/o Late J. C. Chakravarty Aged About 73 Years R/o Jail Road Ambikapur, District Sarguja, Chhattisgarh.Petitioner.

---- Appellant

Versus

1. State Of Chhattisgarh Through Secretary Department Of Tribal Welfare, Mantralaya Naya Raipur, District Raipur (CG)
2. The Commissioner Department Tribal Welfare, Mantralaya, Naya Raipur, District Raipur, Chhattisgarh.

---- Respondents

For Appellant	:	Dr. N.K. Shukla, Sr. Advocate assisted by Mr. Basant Dewangan, Advocate.
For Respondents	:	Mr. Faiz Kazi, Panel Lawyer.

Hon'ble Shri Ajay Kumar Tripathi, CJ
Hon'ble Shri Parth Prateem Sahu, J

Order on Board

Per Ajay Kumar Tripathi, CJ

26/2/2019

1. I.A. No.1/2019 is an application for condonation of delay in preferring this appeal.
2. For the reasons stated in I.A. No.1/2019, it is allowed and delay of 61 days in filing this appeal is condoned.
3. Appellant's writ application was dismissed by the learned Single Judge on 24.9.2018. Writ application was filed way back in the year 2004 for a direction to include the name of appellant in the gradation list of the State Level employees as also for consideration of his case for promotion.
4. Learned Single Judge took note of the fact that when the writ petition was filed, the appellant was about 59 years of age, therefore, he has reached the age of 73 years at the time of adjudication. However, since from the pleadings of the appellant himself it is evident that he had not earned a

promotion since the year 1972. He should have raised the issue before the competent authority, if not a court of law, if he had a case of being overlooked or superceded, but nothing was done till he retired.

5. Admittedly, the appellant superannuated in the year 2005. The benefits of promotion therefore which the appellant is looking for from the year 1972 onwards has rightly been not entertained by the learned Single Judge for the reasons that it is after a lapse of almost three decades that the appellant moved the High Court seeking a direction for inclusion of his name in the gradation list and then for a direction for consideration of his case for promotion.
6. The Court would not like to investigate as to where and how the appellant missed the bus as also why he did not raise the issue and grievance at an appropriate time if he suffered, if at all, for almost three decades. There is something amiss and unexplained for such silence.
7. The facts speak for themselves and the onus has to be placed upon the appellant. This Court is not inclined to pass any order at this juncture to reopen the issue after forty years.
8. Appeal is dismissed in the above stated background.

Sd/-
(Ajay Kumar Tripathi)
Chief Justice

Sd/-
(Parth Prateem Sahu)
Judge

roshan/-