

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 412 of 2019**

Ramsudin Sahu S/o Ganpat Ram Sahu Aged About 49 Years Working As Revenue Inspector (Land Record Branch), Ambikapur, District Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Revenue And Disaster Management Department, Atal Nagar, Mantralaya, New Raipur Chhattisgarh., District : Raipur, Chhattisgarh
2. The Commissioner Land Record Chhattisgarh, Indravati Bhawan, First Floor, Block No. 2, New Raipur Chhattisgarh., District : Raipur, Chhattisgarh
3. Teju Prasad Yadav Presently Working As Revenue Inspector, Office Of Collector, Land Record, Surguja, Ambikapur, District Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

---- Respondents

For Petitioner	:	Mr. K. P. Sahu, Advocate
For State	:	Ms. Astha Shukla, PL

Hon'ble Shri Justice P. Sam Koshy**Order on Board****22/01/2019**

1. The present is a second round of litigation. The grievance of the petitioner is that the petitioner working as a Revenue Inspector is entitled for promotion to the post of Assistant Superintendent(Land Records).
2. The contention of the petitioner is that in spite of the fact that juniors to the petitioner have been promoted but the petitioner for no reasons have been deprived of the promotion that he is otherwise entitled for.
3. The petitioner at an earlier occasion had filed WPS No. 4281/2018, this Court disposed off the writ petition with direction to the respondents to consider the representation of the petitioner and decide the same at the earliest. Subsequent to the disposal of the earlier writ petition the impugned order (Annexure P-1) has now been

passed. The reasons assigned for rejecting the claim of the petitioner from being considered for promotion is non availability of the ACR of the petitioner during intermittent period. It is not study of the respondents that the petitioner was denied promotion on account of any ineligibility that he has or any disqualification that he suffers. It also does not reveal from the order dated 20/09/2018 that the petitioner was not entitled for promotion or he does not fulfill requisite eligibility criteria for promotion.

4. On the contrary, the sole ground that the respondents have taken is that the petitioner's ACR for the period 2008 to 2013 at the first instance was not available, therefore, he could not be considered for promotion. Likewise when the subsequent DPC was convened in the later years also some of the ACR's were not available that was the reason for the petitioner being again denied promotion.
5. The Said order passed by the respondents does not seem to be a justified order at all. The authority has failed to appreciate the fact which from the impugned order clear that the petitioner is not to be blamed for being denied promotion. It is not the case of the respondents that he suffers from any disqualification or ineligibility for promotion.
6. The rules that are prevalent provides for measures to be taken care of by the DPC in the event of non availability of the DPC that is taking into consideration the subsequent ACR's or the previous years ACR's for consideration for promotion. Such an exercise does not seem to have been taken by the respondents.
7. The impugned order Annexure (P-1) to the aforesaid extent is bad in law and illegal, the same is accordingly set aside/quashed and the

respondent No. 2 is directed to constitute review DPC and consider the previous years ACR's for promotion to the petitioner from the post of Revenue Inspector to the post of Assistant Superintendent(Land Records), at par that the person who stands immediate junior to the petitioner in the gradation list. The petitioner thereafter if found fit , should be given promotion from the date his immediate juniors have been given promotion with all consequential benefits.

8. The writ petition accordingly stands allowed and disposed off.

Sd/-
(P. Sam Koshy)
Judge

Rohit