

NAFR

**HIGH COURT OF CHHATTISGARH AT BILASPUR****WPS No. 3996 of 2010**

Dinesh Kumar Pandey S/o Late Balram Singh Pandey, Ward Boy, Zila  
Chhay Kendra, Maharani Hospital, Jagdalpur, Distt.-Bastar Cg

**---- Petitioner****Versus**

1. State Of Chhattisgarh And Ors. Health Services, Raipur, Chhattisgarh
2. Director Health Services, Raipur, Chhattisgarh
3. Chief Medical And Health Officer Jagdalpur, Chhattisgarh
4. Joint Director Cum Superintendent Govt. Medical College, Maharani Hospital, Jagdalpur, Distt.-Bastar, Chhattisgarh
5. Shri Nivas Pilley Dark Room Attendant, Maharani Hospital, Jagdalpur, Chhattisgarh

**---- Respondents**

|                |   |                       |
|----------------|---|-----------------------|
| For Petitioner | : | Mr. CJK Rao, Advocate |
| For State      | : | Ms. Shriya Mishra, PL |

**Hon'ble Shri Justice P. Sam Koshy****Order on Board****20/06/2019**

1. Present is a second round of litigation. The petitioner who is a ward boy working at Government Medical College, Jagdalpur had claimed for promotion to the post of Assistant Grade-III. He had filed a writ petition earlier i.e. on WPS No. 6292/2009. The said writ petition got disposed off on 04.11.2009 permitting the petitioner to ventilate his grievance by moving the representation before the authorities concerned.
2. Pursuant to the writ petition respondents have issued Annexure P-1 dated 05.07.2010 whereby the claim of the petitioner for promotion to the post of Assistant Grade-III has been rejected. Counsel for the

petitioner at this juncture submits that respondent authorities when they found that post of Assistant Grade-III were not vacant, they should have considered the petitioner for grant of promotion to any other post as per the rules, i.e. promotion on the post of Lab Assistant, Dresser and Dark Room Assistant etc. According to the petitioner he fulfills all the requisite eligibility criteria for being considered for these posts and there are vacancies available on these posts.

3. It appears that the petitioner all along has been raising his claim on the promotion order which was issued in favour of the respondent No. 5. Respondent No. 5 was promoted from the post of Dark Room Attendant to the post of Assistant Grade-III.
4. Given the aforesaid facts and circumstances of the case, this Court is of the opinion that subject to the petitioner being eligible for promotion from the post that he holds to the next higher post as per the rules and regulations governing the field and also subject to the petitioner fulfilling all requisite eligibility criteria and the petitioner also being senior most person for the same, respondent No. 2 & 3 shall consider the case of the petitioner for promotion.
5. Let petitioner in addition, make a detailed representation in this regard supported with all relevant records and respondent No. 2 & 3 in turn shall decide the same within an outer limit of four months from the date of receipt of copy of this order.
6. The writ petition accordingly stands disposed off.

Sd/-  
(P. Sam Koshy)  
Judge