

HIGH COURT OF CHHATTISGARH, BILASPUR**WRIT PETITION (S) NO.1774 OF 2019**

Kirtan Prasad Shrivastava, S/o Shri Bhojwa Ram Shrivastava, aged about 55 years, Working as Inspector and posted at CG Khadi Gram Udyog Board, Zila Panchayat Kanker, District Kanker (CG).

...Petitioner(s)

Versus

1. State of Chhattisgarh through the Secretary, CG Khadi and Village Industry Board, Mahanadi Bhawan, Near Mantralaya, Atal Nagar, New Raipur, District Raipur (CG).
2. Managing Director, CG Khadi and Village Industry Board, Mahanadi Bhawan, Gandhi Bhawan, Kankali Para Raipur, District Raipur (CG).

... Respondent(s)

For Petitioner	:	Shri B.P. Rao, Advocate.
For State	:	Shri Anshuman Shrivastava, PL.
For Respondent No.2	:	Shri R.S. Patel, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

15.03.2019

1. The grievance raised in the present writ petition is the non consideration of the petitioner for promotion first on the post of Inspector (which the respondents granted at a belated stage in the year, 2017 and that too granting bottom seniority) and secondly to the post of Deputy Director on which juniors to the petitioner have already been granted.
2. The facts of the case is that, the petitioner working as Senior Clerk under the respondents was eligible for promotion to the post of Inspector. The respondents however without any reason whatsoever considered the case of other similarly placed persons and juniors to the petitioner for promotion to the post of Inspector and which was also granted denying the petitioner of the same. The petitioner raised an objection with the respondents in respect of the same

which the respondents realizing the error granted promotion to the petitioner on the post of Inspector in the year, 2017.

3. The grievance of the petitioner is that having granted promotion to the post of Inspector, the petitioner should have been granted promotion and seniority along with other persons who were granted promotion much earlier taking into consideration the overall seniority of the petitioner in the cadre of Senior Clerk. According to the petitioner, by virtue of petitioner being placed in the bottom seniority on the post of Inspector, the persons juniors to the petitioner have marched ahead and got the next promotion to the post of Deputy Director which has further caused loss detrimental to the interest of the petitioner. According to the petitioner, he has already made a detailed representation to the respondent No.2 in this regard and the representation is pending consideration.
4. Given the aforesaid factual matrix of the case, this court is of the opinion that since the contention of the petitioner is that he was eligible for the promotion both on the post of Inspector first and then on the post of Deputy Director along with other similarly placed persons, no fruitful purpose would be served in keeping this petition pending, rather ends of justice be served if this petition is disposed of directing the respondent No.2 to take a decision on the claim of the petitioner at the earliest preferably within a period of four months from the date of receipt of copy of this order.
5. While deciding the claim of the petitioner, the respondent No.2 shall take into consideration the overall seniority of the petitioner in the cadre of Senior Clerk and thereafter consider the case of the

petitioner unless otherwise the petitioner is ineligible for promotion for any of the conditions stipulated under the service rules.

6. The writ petition accordingly stands disposed of.

Sd/-
(P. Sam Koshy)
Judge