

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 2385 of 2019

Anil Kumar Pandey S/o Krishna Swaroop Pandey Aged About 55 Years R/o E-10, Parijat Extension, Nehru Nagar, Bilaspur, District Bilaspur, Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary,, Tribal Welfare Department Mahanadi Bhawan, Mantralaya, Capital Complex, Atal Nagar, New Raipur, District Raipur Chhattisgarh.
2. Commissioner Tribal Welfare, Atal Nagar, New Raipur, District Raipur Chhattisgarh.
3. Assistant Commissioner Tribal Welfare, Bilaspur, District Bilaspur Chhattisgarh.

---Respondents

For Petitioner	:	Mr. Manoj Paranjpe, Advocate
For State	:	Mr. P. Acharya, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy
Order on Board

05/04/2019

1. The limited grievance, which the petitioner has raised is that the action on the part of the respondents, whereby the name of the petitioner stands deleted from the gradation list published on 06.03.2019 showing the seniority as on 01.04.2014 to 01.04.2018.
2. The contention of the petitioner is that the petitioner was a regular appointee as a Sub-Engineer way back in the year 1992 and he continues to discharge the duties under the respondents as a Sub-Engineer and the name of the petitioner reflected in the gradation list, which was published periodically right up till 2017, however in the subsequent gradation list that was published on 06.03.2019 showing the seniority of Sub-Engineers in the Department as on 01.04.2014 to 01.04.2018 the name of the petitioner is not reflected.

3. The grievance of the petitioner is that he has already raised an objection/representation to the authority in respect of deletion of his name from the gradation list, however the respondents have not taken any decision on the same. At the same time, the condition shown by the petitioner is that the promotion process initiated by the Department for promotion to the post of Assistant Engineer from among the Sub-Engineers and in the absence of the name of petitioner in the gradation list his right would be adversely affected, as in the previous gradation list name of the the petitioner stood at serial No. 2 in the gradation list.
4. Given the aforesaid facts and circumstances of the case, this Court does not intend to keep the writ petition pending, rather ends of justice would serve if the writ petition is disposed of with a direction to the respondent No.1 to consider the representation/objection of the petitioner, so far as his name getting deleted from the gradation list is concerned at the earliest preferably within a period of 90 days from the date of receipt of the copy of this order.
5. At the same time, it is also ordered that the respondent No.1 should ensure that any promotion process which has been initiated for promotion to the post of Assistant Engineer from among the Sub-Engineers, the final promotion order should not be passed till the representation/objection of the petitioner is decided.
6. With the aforesaid observations, the writ petition stands disposed off.

Sd/-
(P. Sam Koshy)
Judge

Ved