

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WP No. 60 of 2006

Yashwant Bijauria, aged 45 years S/o Late Shri Domarshigh Bijoria,
Pasu Paricharak (work charged). Vety. Hospital, Utai, District Durg
Chhattisgarh.

---- Petitioner

Versus

1. The State Government Of Chhattisgarh, Through the
Secretary, Veterinary Services Department Ministry, D.K.S. Bhawan,
Raipur Chhattisgarh.
2. Director of Veterinary Services, Mahasamund Road, Raipur.
3. Deputy Director of Veterinary Services, Stadium, Durg Chhattisgarh.
4. Shri Devanand Pandey, Sahayak Pasu Chikitsa Chhetra Adhikari,
Pashu Chikitsalaya. Supela Bhilai, District Durg Chhattisgarh.

---Respondents

For Petitioner	:	Mr. Vinod Kumar Sharma, Advocate
For State	:	Mr. Sameer Behar, P. L.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

31/01/2019

1. The relief sought for by the petitioner through the present writ
petition is for a direction to the respondents to promote the petitioner
from the date, the respondent No. 4 was promoted and to send the
petitioner for training of Pashu Chikitsa Kshetra Sahayak. The
petitioner has also prayed for grant of higher pay-scale on
completion of continuous 12 years of service with arrears of pay and
interest thereon.

2. The contention of the petitioner is that the petitioner and the respondent No. 4 were both appointed on Daily Wage basis and subsequently the respondent 4 has been sent by the department for undergoing the training of Pashu Chikitsa Kshetra Sahayak and after the respondent 4 completed the training course, he had been promoted on the post of Veterinary Field Assistance in the year 1995 itself.
3. The petitioner for almost 11 years, was not aggrieved by the said action on the part of the respondents and only in the year 2006, he has filed the present writ petition claiming for promotion to the post of Pashu Chikitsa Kshetra Sahayak and also for a direction to the respondents to send the petitioner for training for said course. So far as the relief of the higher pay-scale is concerned the respondents in their reply in Paragraph-3 have held that the Time Bound Advancement Scheme increment would be granted to the petitioner in due course of time along with the other persons particularly considering the seniority in the department.
4. Given the said reply this Court is of the opinion that no further observations need be given on this issue and it is expected that the respondents would comply with the commitments that they have made in their return and would grant benefits to the petitioner taking into consideration, his seniority and also his eligibility for the said benefits.
5. Now coming to the issue of the petitioners claim for promotion is concerned this Court is of the opinion that firstly the petitioner after a considerable period of time of about 10 years, they have challenged the promotion given to the respondent 4. Moreover, what is also

relevant to be taken note of is that the respondent No. 4 was sent for training for Pashu Chikitsa Kshetra Sahayak in the year 1995. The petitioner from 1995 to 2006, did not make any request for being sent to the aforesaid training. Down the line the department themselves have changed the rules and criteria for sending a person for training of Pashu Chikitsa Kshetra Sahayak is as much as the eligibility criteria for said training has been fixed at 10+2 qualification in Biology Subject, which the petitioner does not possess and therefore, in the light of the subsequent change in rule position, the petitioner as such could not be considered for being sent to the aforesaid training. It has been informed by the petitioner that subsequently at the later stage, the petitioner has now been granted the promotion.

6. In view of the aforesaid factual matrix as it stands, this Court does not find any strong case made out by the petitioner for grant of relief that he has prayed for being sent for training thus, the writ petition fails on this claim and is accordingly dismissed.

Sd/-
(P. Sam Koshy)
Judge

Jyoti