

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 3486 of 2019

Dinesh Kumar Bhagoria S/o Shri Ramesh Kumar Bhagoriya Aged About 57 Years Presently Posted As Assistant Engineer, Department Of Water Resources, Balodabazar, District- Balodabazar-Bhatapara, Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Water Resources, Mantralaya, Mahanadi Bhawan, Atal Nagar, District- Raipur, Chhattisgarh.
2. Engineer-In-Chief Water Resources Department, Sihawa Bhawan, Raipur, District- Raipur, Chhattisgarh.
3. Chief Engineer Water Resources Department, Sihawa Bhawan, Raipur, District- Raipur, Chhattisgarh.

---Respondents

For Petitioner	:	Mr. Amrito Das, Advocate
For State	:	Mr. Ishan Verma, Panel Lawyer

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

08/05/2019

1. The grievance of the petitioner in the present writ petition is for an appropriate direction to the respondents for considering the claim of the petitioner for promotion from the post of Assistant Engineer to the post of Executive Engineer at par with effect from the date his immediate juniors were promoted on the post of Executive Engineer.
2. The case of the petitioner is that he belongs to the scheduled tribe category and he was considered for the promotion to the post of Executive Engineer in the DPC that was convened in the year 2006, but on account of the fact that the matter pertaining to the caste status of the petitioner was under consideration before the High Powered Caste Scrutiny Committee of the State Government, the petitioner was not issued with an order of promotion and his name was kept in circulation.

3. Subsequent order passed by the High Powered Caste Scrutiny Committee is already under challenge before this Court and there is also an interim protection in favour of the petitioner. He further submits that the case of the petitioner, however was considered in the subsequent DPC that was held on 07.01.2019 and the petitioner has been found fit for promotion. He further submits that there are enough sanctioned vacant posts still available with the respondents, against which he could have been promoted from the date his immediate juniors were promoted. Though the DPC was convened as early as on 07.01.2019, the proceedings of the DPC is yet to be finalized by the Department.
4. Given the aforesaid facts and circumstances of the case, let the respondents No. 1 & 2 take an appropriate decision in respect of recommendation made by the DPC that was held on 07.01.019, so far as the case of promotion from the post of Assistant Engineer (Civil) to the post of Executive Engineer (Civil) is concerned.
5. It is expected that the respondents No.1 & 2 shall take a decision at the earliest preferably within a period of 3 months from the date of receipt of the copy of this order.
6. With the aforesaid observations, the present writ petition stands disposed off.

Sd/-
(P. Sam Koshy)
Judge

Ved