

HIGH COURT OF CHHATTISGARH AT BILASPUR**Writ Petition (S) No. 4425 of 2019**

Ramratan Pandey S/o Bhagwat Prasad Pandey, Aged About 60 Years, Posted As Senior Assistant, Chhattisgarh State Marketing Federation At Itwari Bazar, Raigarh, District Bilaspur, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Department Of Co -Operative Societies, Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur Chhattisgarh
2. Managing Director, Chhattisgarh State Co - Operative Marketing Federation Limited, 880, Civil Lines, Head Office Raipur, District Raipur, Chhattisgarh
3. Secretary, Chhattisgarh State Co - Operative Marketing Federation Limited, 880, Civil Lines, Head Office Raipur, District Raipur Chhattisgarh
4. Vijay Kumar Shukla, Assistant Manager, Chhattisgarh State Co - Operative Marketing Federation Limited, At Head Office New Raipur, District Raipur, Chhattisgarh
5. Rajpati Pandey, Assistant Manager, Chhattisgarh State Co - Operative Marketing Federation Limited, At District Office Ambikapur, District Surguja, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Govind Dewangan, Advocate
For State	:	Ms. Sunita Jain, Govt. Advocate
For Respondents 2 & 3	:	Mr. Vindo Deshmukh, Advocate

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

21/06/2019

1. The grievance of the petitioner in the instant case is the non-consideration of the petitioner for promotion to the post of Assistant Manager from the post of Senior Assistant.
2. Present is a second round of litigation. The petitioner on an earlier occasion had filed WPS No. 6560/2015 which stood disposed of by this Court on 04.10.2018 directing the respondents to consider and intimate the petitioner as to why the petitioner has been denied his promotion. Pursuant to the disposal of the said writ petition, the Department has passed the order dated 04.12.2018 intimating the petitioner that the petitioner was inflicted with 6 penalties on 5.03.16, 16.03.16, 17.02.17, 03.03.17, 21.03.17 & 22.04.17, therefore the petitioner had become ineligible for promotion at that point of time.
3. Counsel for the petitioner submits that as per the instruction that he has received, the petitioner has been inflicted with 3 punishments which are already under challenge before this Court vide WPS Nos. 7219/18, 7222/18 & 7224/18.
4. Given the fact that the respondents have now passed a clear order intimating the petitioner as to why he is not entitled for promotion, the only remedy left for the petitioner is to first ensure that the punishment order which has been issued is either quashed by this Court in the writ petition or the rigor of that punishment is over so as to enable him to get promotion.
5. In view of the fact that the order of punishment was in operation against the petitioner at that point of time, this Court does not find any strong case made out by the petitioner to hold the non-

consideration of the petitioner for promotion because of the currency of the punishment to be bad in law in any manner.

6. In view of the same, the present writ petition is not maintainable and the same stands rejected reserving the right of the petitioner to put forth his claim in the event of the three writ petitions challenging the punishment are allowed.

**Sd/-
(P. Sam Koshy)
JUDGE**

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