

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 1604 of 2014**

Sukhlal Sahu S/o Late Shri J.P. Sahu Aged About 55 Years Working As Senior Assistant Chhattisgarh State Civil Supplies Corporation Ltd. Distt. Office Kanker Distt. Uttar Baster, Kanker C.G. , Chhattisgarh

---- Petitioner**Versus**

1. Chhattisgarh State Civil Supplies Corporation Ltd. And Ors. S/o Through Its Chairman Hitwad Parisar Avanti Vihar Colony, Head Quarters H.Q. Raipur Distt. Raipur C.G. , Chhattisgarh
2. The Managing Director Chhattisgarh State Civil Supplies Corporation Limited, Hitvada Parsar, Avanti Vihar, Telibandha, Raipur 492001 C.G., District : Raipur, Chhattisgarh
3. The District Manager Chhattisgarh State Civil Supplies Corporation Ltd. District Office Kanker Dist. Uttar Basar, Kanker C.G. , District : Kanker, Chhattisgarh
4. Smt. Jyoti Soni W/o Shri Vinay Soni Aged About 48 Years Working As Assistant Manager Chhattisgarh State Civil Supplies Corporation Ltd Hitwad Parisar Avanti Vihar Colony, H.Q. Raipur Distt. Raipur C.G. , District : Raipur, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Sunil Pillai, Advocate
For Respondent	:	Mr. V. R. Tiwari, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order on Board****04/01/2019**

1. The grievance of the petitioner in the present writ petition is to the order Annexure (P-4) dated 24.02.2014 whereby the ad-hoc promotion granted to the petitioner was recalled.
2. Fact of the case is that the petitioner while working on the post of Senior Assistant was promoted to the post of Assistant Manager vide order dated 06.11.2012 and order passed by respondent No. 2. Subsequently after about one and a half year of time the said order was cancelled vide order dated 24.02.2014 (Annexure P-4).
3. The contention of the petitioner is that the said order of cancellation of promotion is without giving any opportunity of hearing. He further

submits that order of cancellation of the promotion as also without any basis and no specific reasons have been assigned in respect of the cancelling the same. He further submits that the order also is bad in law for the reasons under which the promotion order could be cancelled also have not been taken care while passing the impugned order. He further submits that he has already made representation/objection in this regard to the respondent No. 2 vide Annexure (P-6) dated 10.08.2013 which till date has not been decided. It is further the contention of the petitioner that respondent No. 4 in the instant case is also a person junior to the petitioner but has been granted promotion earlier to the petitioner which too is arbitrary.

4. The counsel appearing for the Corporation at this juncture submits that let the matter be disposed off with a direction to respondent No. 2 to decide the representation/Objection on its merits taking into consideration the contents that the petitioner that are raised in his objection.
5. Given the facts and circumstances of the case this Court is of the opinion that ends of justice would meet if the writ petition stands disposed off with a direction to respondent No. 2 to consider and decide the representation/objection of the petitioner Annexure (P-6). The petitioner in addition would also be entitled to file a fresh representation/Objection to the respondent No. 2 within a period of two weeks from today, supported with all relevant documents. The respondent No. 2 shall in turn decide the same objectively, taking into consideration the averments made in the fresh representation/objection as also the earlier objection that are pending

considering including the aspect of the interse seniority between the petitioner and the respondent No. 4 Smt. Jyoti Soni. Let this exercise be completed within a period of 60 days from the receipt of the fresh representation which the petitioner shall make.

6. With the aforesaid observations writ petition stands disposed off.

Sd/-
(P. Sam Koshy)
Judge

Rohit