

HIGH COURT OF CHHATTISGARH, BILASPUR**WRIT PETITION (S) NO.5920 OF 2019**

Mani Ram Taram S/o Banau Ram Taram Aged About 49 Years Junior Engineer Chhattisgarh State Power Distribution Company Limited Dallirajhara Town Distribution Center District Balod Chhattisgarh.

...Petitioner(s)

Versus

1. State Of Chhattisgarh Through- Secretary, Energy Department, Mantralay Mahanadi Bhawan, Atal Nagar, Raipur, District Raipur Chhattisgarh.
2. General Manager Chhattisgarh State Power Holding Company Limited Office At Raipur District Raipur Chhattisgarh.
3. Executive Director Chhattisgarh State Power Holding Company Limited Durg Region Durg District Durg Chhattisgarh.
4. Shri Santosh Kumar Mishra Executive Engineer (T And D) SE Circle CSPDCL Kanker Chhattisgarh.
5. Anjan Kumar Dhar Superintending Engineer (T And D) SE Circle CSPDCL Kanker Chhattisgarh.

... Respondent(s)

For Petitioner	:	Shri Hariram Rai, under instructions of Shri Deepak Jain, Advocate
For Respondent-State	:	Shri Jitendra Pali, Dy. Advocate General.

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

07.08.2019

1. Challenge in this petition is to the order dated 30.05.2019 whereby the respondents No.4&5 have been granted promotion to the post of Executive Engineer.
2. The contention of the petitioner is that, the respondents-company has wrongly granted promotion to the respondents No.4&5 inspite of there being a total ban on promotion by the State Govt. vide Annexure P/3 dated 23.02.2019.
3. At the outset, this court is of the opinion that no strong case is made out by the petitioner for two reasons. Firstly, the order Annexure P/3 is one which has been issued by the State Govt. and such instructions of the State would not be applicable upon the respondents-company i.e. Chhattisgarh State Power Holding Co. Ltd. who have their own set of rules

and service conditions governing the officers and employees of said company. Secondly, the order of promotion in favour of respondents No.4&5 shows that it is subject to final outcome of the two writ petitions pending before the High Court.

4. Further, this court is of the opinion that the writ petition seeking for issuance of a writ of quo-warranto would not be sustainable for the reason that the writ of quo-warranto would not be applicable questioning the order of promotion granted by the employer in accordance with the rules and that it is not the contention of the petitioner has got the promotion illegally. The writ of quo-warranto could have been invoked challenging the order of appointment or promotion if the same is illegal.
5. For all these reasons, the writ petition fails and is dismissed.

Sd/-

(P. Sam Koshy)
Judge