

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 8176 of 2019**

- Dilip Kumar Katjhorl S/o Late Pusaura Katjhorl Aged About 49 Years R/o Ward No. 1, Mohlai Road, Near The House Of Pawari Panchsheel Nagar, Durg, Tahsil And District - Durg Chhattisgarh

---- Petitioner**Versus**

1. State of Chhattisgarh Through The Secretary, Health And Family Welfare Department, Mantralaya, Mahanadi Bhawan, New Raipur, District- Raipur Chhattisgarh
2. The Director Ayurved, Yog And Natural Medicine, Unani Siddha And Homeopathy (AYUSH), Chhattisgarh, D.K.S. Premises, Raipur Chhattisgarh
3. The District Ayurved Officer Balod, District- Balod, Chhattisgarh
4. The District Ayurved Officer District - Durg Chhattisgarh

---- Respondents

For Petitioner : Shri Goutam Khetrapal, Advocate

For Respondents/State : Shri Avinash Singh, PL

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****14/10/2019**

1. Heard.
2. The grievance of the petitioner is that he was promoted to the post of Assistant Grade-III on 25.09.2017, however, on 26.09.2017 a criminal case under the Prevention of Corruption Act was registered against him. Consequently, he could not join on the promoted post of Assistant Grade-III though the promotion order was not annulled. It is contended that thereafter on 09.05.2019 the case

under the Prevention of Corruption Act was decided, wherein the petitioner was acquitted. It is stated that the promotional order of the petitioner for the post of Assistant Grade-III was not annulled and only it was kept in abeyance for the reason that the criminal case was registered against the petitioner though subsequently he was acquitted. On this background, the petitioner has made a representation (Annexure P-6) to the respondent No.2 to allow him to join to the promotional post of Assistant Grade-III in the department of Ayurved, Yog and Natural Medicine, Unani Siddha & Homeopathy (AYUSH).

3. Perused the documents. The acquittal order dated 09.05.2019 of the special criminal case No.4/2018 is on record. According to the pleadings of the petitioner, if the petitioner was promoted and he was not allowed to join on the promotional post as the criminal case which was registered worked as a barrier to join the post, considering the submission made that the petitioner since now has been acquitted and has made a representation vide Annexure P-6 dated 09.09.2019, it is directed that the respondent No.2 shall decide the same within a period of 60 days from the date of receipt of copy of this order taking into the factual aspect in the background of this case.
4. With the aforesaid observation, the writ petition stands disposed of.

Sd/-

Goutam Bhaduri
Judge