

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 8620 of 2019**

- Rakesh Kumar Awadhiya S/o Late Shri Khanna Lal Awadhiya Aged About 57 Years R/o House No. 52/908, Arzoo Villa, Millennium Chowk Sundar Nagar, Police Station - Pt Deendayal Upadhyay Nagar, Raipur Chhattisgarh

---- Petitioner**Versus**

1. State of Chhattisgarh Through The Secretary, Department Of Urban Administration Indrawati Bhawan, Atal Nagar, Raipur Chhattisgarh
2. Commissioner Municipal Corporation, Raipur Chhattisgarh

---- Respondents

For Petitioner	:	Shri Ramakant Mishra, Advocate
For Respondent/State	:	Shri Sudhir Sahu, PL
For Respondent No.2	:	Shri H. B. Agrawal, Sr. Adv. With Ms. Richa Dwivedi, Advocate

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****18/10/2019**

1. Heard.
2. The grievance of the petitioner is that the case of the petitioner for promotion is not been considered.
3. It is contended on behalf of the petitioner that though several correspondence were made and lastly the letter was written on 6th of March, 2019, however, till date no decision is being taken and the juniors are being promoted. It is further contended that the petitioner has every right to pray that his case for promotion should be considered so that the petitioner may further resort to any other

action, if so required.

4. Learned counsel for respondent No.2 do not dispute the fact that the petitioner at least is entitled for consideration for the case of promotion.
5. It is a settled preposition that the right of promotion of an employee may not be vested as a fundamental right, but the consideration for promotion is always a vested right in the service jurisprudence. In view of this, the application of the petitioner necessarily requires adjudication/consideration for promotion. Accordingly, the respondent No.2 is directed to decide the application of the petitioner Annexure P-5 dated 06.03.2019 within a further period of 60 days from the date of receipt of this order. It goes without saying that the petitioner shall have all the right to file necessary petition, if the cause of action arises in future.
6. With the aforesaid observation, the writ petition stands disposed of.

Sd/-

Goutam Bhaduri
Judge

Ashu