

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 8708 of 2019**

- Pandeshwar Sai, S/o Shri Jadura Sai, Aged About 59 Years, Presently Working As Superintendent Engineer,in-Charge Chief Engineer, Public Works Department, Bastar Zone, Jagdalpur,district Bastar Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh, Through The Secretary, Public Works Department Mahanadi Bhawan, Naya Raipur District Raipur Chhattisgarh
2. Chhattisgarh Public Service Commission Through The Secretary, Shankar Nagar Road, Bhagat Singh Square, Raipur Chhattisgarh

---- Respondents

For Petitioner	:	Shri Sandeep Dubey, Advocate
For Respondents/ State	:	Ms. Richa Shukla, Deputy Government Advocate

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****22/10/2019**

1. The case of the petitioner is that the petitioner was appointed as Assistant Engineer (Civil) in the year 1985, subsequently when the Departmental Promotion Committee (DPC) was convened in the year 2003, the petitioner could not be considered to be promoted as executive engineer which is next promotional post for non-availability of Annual Confidential Report (ACR). In the year 2005, DPC was convened and since a departmental enquiry was pending against the petitioner his document of promotion was kept in a closed envelope. It is stated that in the year 2007, in the departmental enquiry the petitioner was exonerated and on 20.02.2007 after the DPC was convened the petitioner was promoted to the post of Executive Engineer. It is further contended on 05.09.2007, again DPC was convened for next promotion from executive engineer to superintending engineer.

However, the petitioner case could not be considered because the petitioner has not achieved the minimum bench mark criteria. In the year 2010, DPC was convened and the petitioner name was not considered as he was given promotion only in the year 2009 and promoted from executive engineer to superintending engineer. It is contended that as per the circular dated 20.10.2005 (Annexure P-6), the government servant who have rendered services in the scheduled area considering the service rendered as such the government is within their power to give relaxation to the bench mark criteria for consideration for next promotion. It is stated that similarly one of the other person namely Shri P.N. Sai's case was considered and relaxation was given by the government pursuant to the circular dated 20.10.2005 and he was promoted as Chief Engineer. It is stated, however, the petitioner case for relaxation of bench mark has not been considered, though the petitioner was similarly placed employee. The petitioner, therefore, prays that at this stage the petitioner may be allowed to make a detail representation to Respondent No.1, so that the petitioner may know his position and opt for future actions and the petitioner should also be granted the similar benefit which has been granted to likewise employee giving benefit of circular to relax the bench mark for promotion as per the circular dated 28.10.2005.

2. Considering the limited prayer made at this state, it is ordered that the petitioner shall be at liberty to make a detailed representation with the relevant circular as also the document before the Respondent No.1 within a period of 30 days from the date of receipt of copy of this order. The Respondent No. 1 thereafter shall decide the representation of the petitioner/ claim for relaxation of bench mark within a further period of 4 months.
3. Accordingly, the petition stands disposed of.

Sd/-

Goutam Bhaduri
Judge