

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 7562 of 2018**

1. O.P. Singh S/o Shri Banwari Singh Aged About 59 Years Presently Posted As Executive Engineer, Cgrrda Piu-Raipur, District- Balrampur, Chhattisgarh., District : Balrampur, Chhattisgarh
2. Rajeev Verma S/o Shri K.M. Verma Aged About 57 Years Presently Posted As In-Charge Superintending Engineer, Cgrrda Project Circle-Bilaspur, District- Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh
3. P.K. Sharma S/o Shri D.P. Sharma Aged About 67 Years In-Charge Superintending Engineer, Cgrra Project Circle Rajnandgaon, Chhattisgarh., District : Rajnandgaon, Chhattisgarh
4. J.P. Sao S/o Shri Bhagwani Sao Aged About 57 Years Executive Engineer, Cgrrda, Piu Mahasamund, Chhattisgarh., District : Mahasamund, Chhattisgarh
5. B.S. Agrawal S/o Late Shri D.D. Agrawal Aged About 60 Years In-Charge Superintending Engineer, Cgrrda Project Circle-1, Ambikapur, District- Surguja, Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh
6. F.H. Khan S/o Shri I.H. Khan Aged About 60 Years Executive Engineer, W.R.D. Division Kasdol, Chhattisgarh., Chhattisgarh
7. Arvind Kumar Sharma S/o Late Dr. Shri Ganesh Prasad Sharma Aged About 58 Years Executive Engineer, Nrda, Atal Nagar, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

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Versus

1. State Of Chhattisgarh Through- The Secretary, Water Resources Department, Mahanadi Bhawan, Mantralaya, Naya Raipur, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
2. Engineer-In-Chief Water Resources Department, Sihawa Bhawan, Raipur, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
3. Shri G.P.S. Baghel Through- The Engineer-In-Chief, Water Resources Department, Sihawa Bhawan, Raipur, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
4. Shri Makhanlal Bani Through- The Engineer-In-Chief, Water Resources Department, Sihawa Bhawan, Raipur, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

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For Petitioner	:	Mr. Amrito Das, Advocate
For State	:	Mr. Ishan Verma, PL

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

10/04/2019

1. The dispute primarily in the present writ petition was in respect of inter-se seniority to be given to the Assistant Engineers(direct recruit) and Assistant Engineers(Promotee).
2. Issue involved in the case has already been laid to rest by the Supreme Court in a couple of decisions. The judgment of the Supreme Court was also ordered to be complied with by the State of Madhya Pradesh i.e. the parent department under whom petitioners were initially appointed. Down the line, State of Madhya Pradesh had meanwhile complied with the directives given by the Supreme Court and as a consequence rectified the gradation list and have also as a consequence held review DPC and all the concerned officers have been granted promotions from a retrospective date.
3. However, since in between the State of Chhattisgarh was carved out from the erstwhile State of Madhya Pradesh. The judgment of the Supreme Court could not be effected so far as the Assistant Engineers who had come to State of Chhattisgarh on allocation was concerned. The implementation of the judgment of the Supreme Court was not implemented by the State of Chhattisgarh in respect of those Assistant Engineers who had come to State of Chhattisgarh on allocation. A couple of writ petitions were filed in the High Court of Chhattisgarh in respect of the said dispute. However, pending the writ petitions,

Government of Chhattisgarh took a stand and made a submission before the High Court that the State would be taking decision as that would be taken by the State of M.P. subject to the outcome of the decision of the Special Leave Petition which was pending consideration before the Supreme Court. Later on, Supreme Court finally decide the matter and it was ordered that the gradation list has to be revised and appropriate consequential benefits have to be extended to all the beneficiaries.

4. State of Madhya Pradesh meanwhile complied with the orders and thereafter State of Chhattisgarh also took a decision in the light of the submission that they had made before this High Court.
5. Learned counsel for the petitioner vide his application dated 15.01.2019 has brought on record a couple of documents which are correspondences/orders issued by the State Government. One of the correspondence is a letter dated 10.05.2018 of the Water Resource Department of the Government of Chhattisgarh. The said document shows that Government of Chhattisgarh infact has carried out rectification so far as the preparation of the gradation list is concerned and revised amended gradation list has also already been published. Government of Chhattisgarh again passed an order on 03.08.2018 taking the decision of holding a review DPC and for grant of promotion in the light of the revised gradation list.

6. However, there has been no further developments which has led to the petitioner filing of the present writ petition for an appropriate direction for early holding of DPC and for grant of promotion. After the order dated 03.08.2018 what has to be visualized is that the Assembly Election 2018 was immediately notified and conducted in the month of November & December, 2018. Thereafter, formation of new Government took place and immediately thereafter Parliamentary Elections also were notified to be held in April & May, 2019.
7. For the aforesaid reasons, things must not have progressed at a fast pace as it was expected. In view of the fact that State Government has already taken a decision for holding review DPC and which is in all likelihood to be held after the model code of conduct for the Parliamentary Election would be over, this Court is of the opinion that at this juncture there does not remain much which needs adjudication and at the same time, this Court is of the opinion that ends of justice would meet if the writ petition itself is disposed off with a direction to the respondent to ensure compliance of the order dated 03.08.2018 at the earliest preferably within a period of four months from the date of receipt of copy of this order.
8. With the aforesaid observations and directions, the writ petition stands disposed off.

Sd/-
(P. Sam Koshy)
Judge