

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 9577 of 2019**

1. Dr. Lallan Singh, S/o Late Shri Dwarika Singh, Aged About 61 Years, Occupation - Veterinary Assistant Surgeon Balodabazar , District Balodabazar Chhattisgarh.
2. Dr. Kaushal Prasad Patel, S/o Kirit Ram Patel, Aged About 61 Years, Manager, Govt. Poultry Farm Raigarh, District Raigarh Chhattisgarh.
3. Dr. Rajeev Gangadhar Deoras, S/o Late G.M. Deoras, Aged About 59 Years, Veterinary Assistant Surgeon, Chhattisgarh State Animal Welfare Board Raipur , District Raipur Chhattisgarh. **---- Petitioners**

Versus

1. State Of Chhattisgarh, Through Additional Chief Secretary, Veterinary Development Department Mahanadi Bhawan Mantralya, New Raipur District Raipur Chhattisgarh.
2. The Director Veterinary Development Department Mahanadi Bhawan Matralaya, New Raipur , District Raipur Chhattisgarh.
3. Chhattisgarh Public Service Commission, Through Secretary Shankar Nagar Road , Raipur , District Raipur Chhattisgarh. **---- Respondents**

For Petitioner	:	Shri Y. C. Sharma, Advocate
For Respondents	:	Ms. Richa Shukla, Dy. G.A.

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****22/11/2019**

Heard.

1. The grievance of the petitioners is that though the petitioners were appointed and working as Veterinary Assistant Surgeon since 1984. It is contended that they were not considered for promotion to subsequent promotional post i.e. Deputy Director Veterinary. Referring to document note-sheet (Annexure P-1). It is contended that State, in the year 2018 started process to hold DPC and called for 5 years confidential report with

respect to the Veterinary Assistant Surgeon qua petitioners, while it was being considered in the year 2018 though the confidential report of 2017 were available but it was directed by the then Minister of the Department to call for confidential report of 2018 also. It is stated Clause 6.5 of the Chhattisgarh Public Service Commission (Promotion) Rules 2003 contemplates that only last 5 years confidential report would be subject to consideration, therefore, confidential report of 2018 could not have been called as the DPC was to convene in the year 2018 itself. It is further contended that in respect of the promotional post of Deputy Directors who were promoted to post of Joint Director their DPC was convened and was considered on the basis of last five years confidential report.

2. Perused the documents.
3. Perusal of the document would show that though the proceedings for holding the DPC was commenced in the year 2018 but for the reason that confidential report of 2018 was called, as a result further proceedings to convene DPC could not commence. Be that as it may. As the time has rolled by and it is almost end of 2019 even the confidential report of 2018 would be ready and available for consideration for promotion of the petitioners to the promotional post of Deputy Director. The right for consideration for promotion is inherent to a public servant irrespective of the fact of the outcome i.e. result, therefore, the respondents are directed to commence and complete the DPC of the petitioners including all other Veterinary Assistant Surgeon within a reasonable time following the rules of Chhattisgarh Public Service Commission (Promotion) Rules 2003 preferably within four months from the date of receipt of a copy of this order.
4. With such observation, the petition stands disposed of.

Sd/-

Goutam Bhaduri
Judge