

HIGH COURT OF CHHATTISGARH AT BILASPURWPS No. 109 of 2019

N. P. Chandel S/o Late C. L. Chandel, Aged About 56 Years, Agriculture Engineer, Posted At Office Of Agriculture Engineer, Raipur, District Raipur, Chhattisgarh.

---Petitioner

Versus

1. State Of Chhattisgarh, Through Secretary, Agriculture And Bio-Technology Department, Mahandi Bhawan, Atal Nagar, New Raipur, District Raipur, Chhattisgarh.
2. The Secretary, Chhattisgarh Public Service Commission, Raipur, District Raipur, Chhattisgarh.
3. Shri Balendra Kumar Mishra, Joint Director Agriculture, Engineering Raipur, District Raipur, Chhattisgarh.

---Respondents

For petitioner	:	Shri Somkant Verma, Advocate.
For State	:	Shri Rahul Mishra, Dy.G.A.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

09/01/2019

1. The grievance of the petitioner in the instant Writ Petition is the non-consideration of the petitioner to the post of Joint Director Agriculture (Engineering). According to the petitioner, the juniors to the petitioner have been promoted particularly the respondent No.3.
2. The counsel for the petitioner submits that, the petitioner undoubtedly is senior to the respondent No.3 and till date there has been no adverse entries communicated to the petitioner so far as his ACR's are concerned. He further submits that, neither has the petitioner been inflicted with any punishment. He further submits that, the petitioner otherwise fulfills all the

eligibility criteria for the next promotional post. He submits that, no reasons whatsoever has been assigned by the department for not promoting the petitioner. He further submits that, the petitioner has already made representation (Annexure-P/4) to the higher authorities in the department which till date has not been decided and therefore the petitioner is not in a position to know as to why he has not been promoted.

3. Given the aforesaid facts and circumstances of the case so also considering the fact that the petitioner fulfills all the eligibility criteria and is also senior to the respondent No.3, the petitioner's representation is supposed to be decided by the competent authority i.e. the respondent No.1.

4. Accordingly, the instant Writ Petition stands disposed off with liberty to the petitioner to make a fresh representation in addition to Annexure-P/4 – the representation that he has already made. That on receipt of such representation, the respondent No.1 shall scrutinize the case of the petitioner and shall decide the same at the earliest preferably within a period of 3 months and decide whether the petitioner is entitled for promotion or not and also decide whether the petitioner has been refused promotion on some justified grounds.

5. The decision of the respondent No.1 should be communicated also to the petitioner at the earliest.

6. Needless to mention that, in case if the petitioner is found eligible for promotion then necessary orders should be passed withing the same period with all consequential benefits.

7. The Writ Petition accordingly stands finally disposed off.

Sd/-

(P. Sam Koshy)
JUDGE

Sumit