

## **HIGH COURT OF CHHATTISGARH, BILASPUR**

### **WPS No. 9858 of 2019**

Laxman Prasad S/o. Late Shri Jagatram Aged About 71 Years Retired As Accountant On 31.01.2009, R/o House No. 44, Ward No. 14, Sant Kabir Ward, Jaijaipur, District Janjgir- Champa Chhattisgarh 495690. **--- Petitioner**

### **Versus**

1. South Eastern Coalfields Limited through The Chief Personnel Manager, South Eastern Coalfields Limited, Headquarter, Seepat Road, Bilaspur 495006, District : Bilaspur, Chhattisgarh
2. Deputy Chief Personnel Manager (A/IR) South Eastern Coalfields Limited, Headquarter, Seepat Road, Bilaspur 495006, District : Bilaspur, Chhattisgarh
3. General Manager South Eastern Coalfields Limited, Headquarter, Seepat Road, Bilaspur 495006, District : Bilaspur, Chhattisgarh
4. Deputy General Manager (Project) South Eastern Coalfields Limited, Kusmunda, District Korba Chhattisgarh **---Respondents**

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| For the Petitioner  | : Mr. Dhiraj Wankhede Advocate |
| For the Respondents | : Mr. Vivek Chopda, Advocate.  |

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### **Hon'ble Shri Justice Goutam Bhaduri**

### **Order on Board**

**28.11.2019**

1. The grievance of the petitioner is that the petitioner's batch mates who were junior to him were promoted on 03.10.2008, however, the case of petitioner for promotion was left out. It is submitted that the petitioner has retired on 31.01.2009 and subsequently the respondents on realizing the mistake which took place promoted the petitioner with retrospective effect from 03.10.2008 vide order dated 02.02.2009 (Annexure P-5). It is submitted that only the grievance of the petitioner is that though the petitioner is entitled for the promotional benefits pursuant to the order dated 02.02.2009, yet the same has not been paid to him. It is contended that the petitioner has made several representations to the respondents, however, the same has not been decided

and the promotional emoluments are not being paid. Therefore, the respondents may be directed to release the promotional benefits as the petitioner has already stood promoted with retrospective effect long back on 02.02.2009.

2. It appears that there is no dispute about the grant of promotion. If the petitioner was promoted on 02.02.2009 with retrospective effect, then the promotional emoluments would accrue to him on his retirement as he stood retired way back on 31.01.2009 and is required to be paid.
3. Consequently the petitioner at this stage is directed to make a fresh representation to respondent no.2 & 3 within a period of 3 weeks claiming to include the promotional emoluments/benefits in his retiral dues which may be paid to him pursuant to the order dt. 02.02.2019 and on such a representation being filed, the respondents 2 & 3 shall consider and decide the same within a further period of 3 months subject to just exceptions, if any.
4. This writ petition accordingly stands disposed off.

**Sd/-**  
**(GOUTAM BHADURI)**  
**JUDGE**