

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 2 of 2019**

R. S. Narmada @ Rajababu Singh Narmada S/o Late Anand Ram
Aged About 61 Years R/o District Transport, Officer, Balod District
Balod Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary Department Of Transport Mantralaya Bhawan New Raipur Chhattisgarh.
2. The Transport Commissioner Chhattisgarh Office Of The Transport Commissioner C-Block Third Floor Indrawati Bhawan New Raipur Chhattisgarh.

----Respondents

For Petitioner	:	Mr. Abhijit Mishra, Advocate
For State	:	Mr. Jitendra Pali, Dy. A.G.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****07/01/2019**

1. There are two reliefs sought for by the petitioner in the present writ petition. The first relief sought for, is for a direction to the respondents to consider the case of the petitioner for the second higher payscale, which he is entitled for on his completing 20 years of continuous service, which the petitioner became entitled for on 13.06.2008.
2. According to the petitioner, who is substantively holding a post of Assistant Regional Transport Officer is entitled for the said benefit, but for some reasons, the benefit has not been extended to the petitioner, and no reason also has been assigned, as to why the same is not being considered, so far as the petitioner is concerned.

3. The second relief sought for by the petitioner is for a direction to the respondents to consider the case of the petitioner for promotion to the post of Regional Transport Officer, as the petitioner fulfills the requisite eligibility criteria for the said promotion.
4. So far as the second relief is concerned, perusal of the record would show that the petitioner's name stands at serial No.5 in the overall seniority and as such, even if there is a vacancy available, the petitioner would be considered only after the other persons above the petitioner are granted or considered for promotion and thereafter there is still vacancy available.
5. Given the aforesaid situations, this Court leaves that issue at this juncture without being adjudicated upon to be raised by the petitioner, subject to there being vacancy available to which the petitioner would be entitled for.
6. However, so far as granting of the second higher payscale is concerned, there does not seem to be any strong reason provided by the department for not granting the said benefit to the petitioner. It appears that recently conducted Assembly Elections could have been one of the reasons for not granting the same to the petitioner.
7. Given the said facts, let the respondents consider the case of the petitioner for grant of second higher payscale and an appropriate decision be taken at the earliest preferably within a period of 60 days from the date of receipt of the certified copy of this order.
8. So far as the second relief is concerned, the petitioner would be at liberty to raise his claim before the authorities concerned, as and

when the posts are available, against which the petitioner has a claim.

9. With the aforesaid observations, the writ petition stands disposed off.

Sd/-
(P. Sam Koshy)
Judge

Ved