

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**REVP No. 40 of 2020**

The Commissioner, Municipal Corporation, Bilaspur, District Bilaspur
Chhattisgarh

---- Petitioner**Versus**

1. Smt. Veena Lahre (Smt. Veena Vikrant Singh) D/o Shri B.R. Lahre Aged About 31 Years (W/o Dr. Vikrant Singh) Resident Of Indu Chowk, Jarhabhata, Bilaspur, District Bilaspur Chhattisgarh
2. State Of Chhattisgarh Through- The Secretary, Local Administration Department, Mantralaya, D.K.S. Bhawan, Raipur Chhattisgarh
3. Shri Pramendra Kumar Singh Teacher, Marathi Putri Shala, Tilak Nagar, Bilaspur Chhattisgarh
4. Shri Bhawani Shankar Soni, Teacher Government, Ghasidas Primary School, Jarhabhta, Bilaspur Chhattisgarh

---- Respondents

For Petitioner	:	Mr. H.B. Agrawal, Sr. Advocate along with Ms. Richa Dwivedi, Advocate
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Hon'ble Shri Justice P. Sam Koshy**Order on Board****27/02/2020**

1. The present review petition has been filed seeking review of the order passed by this Court on 18.07.2019 in WPS No. 5244/2008.
2. It is relevant at this juncture to point out that the WPS No. 5244/2008 was filed challenging Annexure P/7 therein dated 15/18.07.2008. The grievance of the writ petitioner was that the juniors to the petitioner i.e. the two private respondents in the writ petition were granted promotion to the post of Shiksha Karmi Grade-II ahead of the petitioner inspite of the fact that the petitioner is senior to them. The writ petition was allowed and the respondents were directed to grant promotion to the petitioner on the post of Shiksha Karmi Grade-II at par with the private respondents in the writ petition. For the non-compliance of the said order, the contempt petition i.e. CONT No. 1022/2019 was filed by the petitioner on 21.10.2019 and notices were issued to the

respondents on 27.11.2019. The respondent/contemnor has entered appearance in the contempt petition and has filed the reply. Along with the reply, Annexure R/1 is enclosed, which is a proceeding of a DPC held on 28.12.2019, whereby the DPC has refused to grant promotion to the petitioner in the light of the circular of the State Government dated 30.06.2018. Thereafter, the Municipal Corporation has now on 16.01.2020 have filed the review petition seeking review of the order dated 18.07.2019. The review has been sought only on the ground that the circular of the State Government dated 30.06.2018 was not produced before this Court, when the original writ petition was being heard and decided either by the petitioner or by the State Government and therefore the order needs to be reviewed.

3. This Court is of the opinion that the said ground raised by the petitioner cannot be a ground for review of the order dated 18.07.2019 for the simple reason that the writ petition was filed against the promotion order dated 18.07.2008 i.e. almost 10 years prior to the circular of the State Government dated 30.06.2018.
4. This Court while allowing the writ petition has found the non-granting of the promotion to the petitioner on 18.07.2008 to be bad and illegal, therefore the case of the petitioner was required to be considered on the position as it stood on the date i.e. 18.07.2008 when the other private respondents in the writ petition were promoted. The subsequent circular/order of the State Government passed after 10 years from the date of the original cause of action, would not be a ground available for any of the parties to seek review of an order. The review petition thus, stands rejected.

Sd/-
(P. Sam Koshy)
Judge

Ved