

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 1338 of 2019**

Santosh Kumar Gupta S/o Shri Madan Mohan Gupta Aged About 54 Years R/o 69/1K, Ward No. 18, Behind Telephone Exchange, Behind B.T.I. Janjgir, Tahsil - Janjgir, District - Janjgir Champa Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh, Through The Secretary, Department Of Law And Legislative Affairs Mantralaya Mahanadi Bhawan, Atal Nagar, Post - Rakhi, Police Station - Rakhi, District - Raipur Chhattisgarh.
2. Deputy Secretary, Department Of Law And Legislative Affairs Mantralaya Mahanadi Bhawan, Atal Nagar, Post - Rakhi, Police Station - Rakhi, District - Raipur Chhattisgarh.
3. The Collector / District Magistrate Janjgir, District - Janjgir-Champa Chhattisgarh.
4. District And Sessions Judge, District - Janjgir-Champa Chhattisgarh.

---- Respondents

For Petitioner : Mr. Atul Kesharwani, Advocate

For State : Ms. Akanksha Jain, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

ORDER

17.08.2020

Heard.

1. The instant petition has been filed for the following reliefs :

“10.1. That the Hon'ble Court may kindly be pleased to set aside the impugned letter/circular dated 09.01.2019 (Annexure P-4) so far as it is concerned with the post of Public Prosecutor/ Government Pleader in District Janjgir-Champa (C.G.) in the interest of justice.

10.2. To grant any other consequential relief/ reliefs to the petitioner which this Hon'ble Court may deem proper.

10.2. This Hon'ble Court may kindly be pleased to give such other relief as it deems fit, in the interest of justice."

2. Learned counsel for the petitioner submits that by virtue of the interim order dated 14.03.2019, the petitioner is still continuing to discharge the job of Government Pleader.
3. Perusal of Annexure P-1 would show that the appointment of the petitioner was from 13.05.2017 for further period of 3 years or on attaining the age of 62 years, whichever is earlier. Therefore, with the efflux of time, the tenure of appointment as was notified has lived its life up-till 12.05.2020. In view of this, no further relief can be granted to the petitioner as the appointment has out lived its life. In the given facts interim order dated 14.03.2019 shall stand vacated. State shall be at liberty to appoint the fresh panel of Government Advocate and other Advocates according to the felt need. In respect of procedure for such fresh appointment, the petitioner shall also be free to apply for the same.
4. It is made clear that the Court has not expressed any opinion on the merit about the right of the petitioner. The Respondents shall be at liberty to start the fresh process of appointment forthwith.
5. In view of the above, the petition stands disposed off.

Sd/-
Goutam Bhaduri
Judge