

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 2874 of 2019**

- Pramod Kumar Gupta S/o Late Shri Ayodhya Prasad Gupta Aged About 51 Years Posted As Tehsildar, Mungeli, District Bilaspur Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, Revenue Department, Mahanadi Bhawan, New Raipur District Raipur Chhattisgarh.
2. Chhattisgarh State Public Service Commission, Through Its Secretary, Chhattisgarh State Public Service Commission, Shankar Nagar Road, Bhagat Singh Square, Raipur Chhattisgarh.

---- Respondents

For Petitioner	:	Shri Anup Majumdar, Advocate
For Respondents/State	:	Ms. Richa Shukla, Dy. G.A.
For Respondent No. 2	:	Shri Sudeep Agrawal, Advocate

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****12/03/2020**

1. Heard.
2. The present petition has been primarily filed for seeking a direction to convene review DPC with respect to the petitioner and grant him promotion with effect from 11.09.2015 the date from which the Juniors were promoted. The promotion is sought for the post of Deputy Collector from the post of Tahsildar.
3. On the earlier occasion, the petitioner has sought for that the representation which has been filed by the petitioner may be decided which pertains to the same issue i.e. for promotion from the post of Tahsildar to Deputy Collector. The representation was decided on 21.02.2019, thereafter the representation having been decided, the instant petition was filed. The decision of representation is dated 19.11.2018, the reading of the rejection of representation would show that the DPC was convened on 03.08.2015 and the petitioner was in the zone of consideration, however, because of the

fact that the information was received that a criminal case is pending against the petitioner as such the recommendation of DPC was kept in a closed seal cover.

4. The reply of the State and PSC also fortified the fact. As of now the petitioner has placed on record the order dated 17.01.2020 passed in CRMP No. 366 of 2015 and such order would show that the petitioner has been exonerated from the criminal charges and it was held that the petitioner was protected from Section 2 read with Section 3 of the Provisions under the Judges (Protection) Act 1985 whereby the sanction was given for quashment of the criminal proceeding, resulting into acquittal of petitioner. The petitioner having acquitted since the DPC of the petitioner was placed in seal cover proceeding and the rejection of the representation is primarily on the basis that the criminal case was pending the DPC was placed in the closed envelope the said restriction/ barrier is removed by the acquittal of the petitioner, therefore, respondents are directed to consider the case of the petitioner for consideration for subsequent promotion. The necessary ministerial act shall follow in spirit of the order passed.
5. In view of the above, the petition stands disposed of.

Sd/-

Goutam Bhaduri
Judge

Jyoti