

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 2781 of 2020**

- H. R. Chauhan (Hetram Chauhan) S/o Late Shri Puniram Chauhan Aged About 61 Years Occupation- Govt. Employee, Assistant Commissioner, Tribal Development Department, R/o Qr. No. 48, Kelo Vihar Colony, Behind Of Collectorate, Raigarh, District- Raigarh, Chhattisgarh

---- Petitioner**Versus**

1. The State Of Chhattisgarh Through- The Secretary, Department Of Scheduled Tribe And Scheduled Caste Development, Mantralaya, Mahanadi Bhawan, Atal Nagar, Nawa Raipur, Chhattisgarh
2. The Commissioner Scheduled Tribe And Scheduled Caste Development, Indrawati Bhawan, Atal Nagar, Nawa Raipur, Chhattisgarh

---- Respondents

For petitioner : Mr. Roop Naik, Advocate.

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

Hon'ble Shri Justice Goutam Bhaduri**Order****16-07-2020**

1. Learned counsel for the petitioner submits that the instant writ petition is for claiming the respondent No.1 to decide the representation of the petitioner dated 21-12-2017 for grant of all benefit of promoted post i.e., Assistant Commissioner (Tribal Development Department).
2. The petitioner was initially promoted to the post of Assistant Commissioner on 7-9-2006 and subsequently because of the

fact that some criminal case was pending against him, his promotion was canceled which is subject of challenge before this court. Writ Petition (S) No. 7168 of 2007 was dismissed by this court on 17-5-2017 which was subject of writ appeal before Division Bench of this court. The Division Bench vide its order dated 15-11-2017 in Writ Appeal No. 213 of 2017 allowed the petitioner to work on the promotional post of Assistant Commissioner as he was working on the post of Assistant Commissioner. In the meanwhile, during pendency of this writ appeal, the criminal court acquitted the petitioner on 7-11-2017. Consequently, Writ Appeal No.213 of 2017 decided on 15-11-2017 (Annexure P/6) allowed the writ appeal whereby the order of Single Bench was modified, in view of the fact that the petitioner has been acquitted in criminal case. It is further contended that the petitioner has made several representations on the ground that the petitioner since working as Assistant commissioner on the post of which the petitioner was demoted, the order of demotion does not exist, therefore, the petitioner's representation may be considered so that he may continue to work to the promotional post of Assistant Commissioner. He would further submit that the petitioner's representation was forwarded by the Commissioner (Scheduled Caste & Scheduled Tribe)/respondent No.2 to respondent No.1/ State Government through the Secretary, Department of Scheduled Tribe and

Scheduled Caste and the same may be directed to be decided.

3. Learned State counsel would submit that the acquittal was not on its merit, but on the benefit of doubt the petitioner was acquitted .
4. Without going into the merits of the case, at this state, since the petitioner has only claimed that his representation may be decided, it is directed that the representation of the petitioner which is pending before respondent No.1 shall be decided within a period of four months from the date of receipt of a copy of this order.
5. With the aforesaid direction, the writ petition stands disposed of.

Sd/-
(Goutam Bhaduri)
J U D G E

Raju