

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 2956 of 2020**

- S. L. Patel S/o Shri Garjan Patel Aged About 61 Years R/o Q. No. F-4, Raja Talab Forest Colony, Raipur District Raipur Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, Panchayat And Rural Development Department, Mahanadi Bhawan, Nava Raipur, Atal Nagar, District Raipur Chhattisgarh
2. Under Secretary Panchayat And Rural Development Department, Mahanadi Bhawan, Nava Raipur, Atal Nagar, District Raipur Chhattisgarh
3. S. N. Shrivastava Presently Posted As Chief Engineer Mukhyamantri Gram Sadak Yojana, Vikas Bhawan, Raipur Chhattisgarh
4. D. S. Parganiha Presently Posted As Chief Engineer, Chhattisgarh Road, Development Corporation (Bridge), Head Office Raipur Chhattisgarh

---- Respondents

For Petitioner : Shri Syed Majid Ali, Advocate

For Respondents/State : Shri Amrito Das, Addl. AG

Hon'ble Shri Justice Goutam Bhaduri**Order****05/08/2020**

1. Heard.
2. Learned counsel for the petitioner would submit that the petitioner aspired to be appointed as in-charge Engineer-in-Chief as presently he is holding the post of Chief Engineer. He would further submit that the rules which were amended by the State mandate for promotion from Class-I to higher pay-scale of Class-I, the merit-cum-seniority would be the criteria. He would further submit that one S.N. Shrivastava, has been given the charge of Engineer-in-Chief though anti corruption case is pending to his credit bearing criminal case No.44/16, apart from it, it is contended that according to the circular of the State when the in-

charge persons are appointed, the senior persons in the department cannot be by passed and the petitioner is the senior most, therefore, the petitioner should have been given the charge of Engineer-in-Chief. He would further submit that at this stage, the petitioner is at the fag end of the service as only 11 months are left in his superannuation. Under the circumstances, it is prayed that the petitioner may be given the liberty to make a representation before the respondent No.1 along with all the relevant documents to canvass the fact that he is the senior most in the department and is entitled to be given the charge as he succeeds in the merit too.

3. Considering the prayer made by the petitioner, the petitioner is given the liberty to make the representation before the representation No.1 within a period of three weeks from today and the petitioner shall be free to ventilate all his grievance along with the relevant documents to show that he is the senior most and accordingly he should have been placed as in-charge of Engineer-in-Chief as he holds the merit. If such representation is filed within a period of three weeks from today, the respondent No.1 shall decide the same within a period of 45 days from the date of receipt of the representation and while deciding the representation, respondent No.3 S.N. Shrivastava, who has been given the charge as per the document dated 31.07.2020 he shall also be heard.
4. With the aforesaid observations, the writ petition stands disposed of.

Sd/-

Goutam Bhaduri
Judge

Ashu