

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 2828 of 2020**

- Priya Kale D/o Late Shri L.N. Kale Aged About 38 Years R/o C/o Shri Kallu Singh Thakur, In Front Of Bajrang Akhadha, Near Main Post Office, Tilak Nagar, Bilaspur, Police Station Civil Line, Tahsil And District Bilaspur Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Its Secretary, Department Of Public Prosecution, Mahanadi Bhavan, Mantralaya, Police Station And Post Rakhi, Atal Nagar, New Raipur, District Raipur Chhattisgarh.
2. Director Office Of Director, State Of Chhattisgarh, Department Of Public Prosecution, Indravati Bhawan, Police Station And Post Rakhi, Atal Nagar, New Raipur, District Raipur Chhattisgarh
3. Deputy Director Office Of Deputy Director, Department Of Public Prosecution, In Front Of Collector Office, Bilaspur, District Bilaspur Chhattisgarh

---- Respondents

For Petitioner	:	Shri Abhishek Pandey, Advocate
For Respondents/ State	:	Ms. Akanksha Jain, Dy. G.A.

Hon'ble Shri Justice Goutam Bhaduri**Order****20/07/2020**

Heard.

1. The contention of the petitioner is that the petitioner was appointed as AG - III on 09.12.2011. He submits that as per the C.G. Public Prosecution (Gazetted) Recruitment and Promotion Rules, 2008 for promotion to the post of Assistant District Public Prosecution Officer (ADPO), 10% posts are to be filled up by the way of departmental promotion of the persons who are

not more than 40 years of age and have completed 7 years of service. He further submits that both the criteria are fulfilled by the petitioner, however despite the fact that 7 posts are lying vacant the DPC has not been convened and in such case the petitioner may lose the right of consideration for promotion to the post of ADPO. He further submits that in the year 2019-2020 no DPC has been convened. It is further contended that under these circumstances the petitioner has submitted representations collectively on 14.02.2019, 22.02.2020 and 03.07.2020 (Annexure P-6), however the same has not been decided and the DPC has not been convened.

2. Perused the documents, *prima facie* it appears that because of want of DPC the petitioner could not be considered for promotion, subject to just exception as to availability of the posts, the employee can always expect the consideration for promotion which cannot be kept in abeyance for time immemorial and allow the persons to cross the age limit.
3. Under the circumstances, Respondent No. 1 & 2 are directed to decide the representation of the petitioner within a further period of 90 days from the date of receipt of a copy of this order for convening the DPC for promotion.
4. With the aforesaid direction, the writ petition stands disposed of.

Sd/-

Goutam Bhaduri
Judge