

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 3828 of 2020**

- Roshan Lal Dhurandher S/o Late Shri Ramji Dhurandher, Aged About 54 Years Deputy Director, Agriculture, Presently Working As Principal Farmers Training Center Ruawa Bandha, Durg District Durg Chhattisgarh, District : Durg, Chhattisgarh

---- **Petitioner****Versus**

- State Of Chhattisgarh Through The Agriculture Production Commissioner And Secretary Agriculture, Agriculture Development And Farmer Welfare And Bio-Technology Department, Ministry, Mahanadi Bhawan, Atal Nagar, Nava Raipur Chhattisgarh, District : Raipur, Chhattisgarh

---- **Respondent**

For Petitioner	:	Mr. Somkant Verma, Advocate
For State	:	Mr. Gagan Tiwari, Dy. G.A.

Hon'ble Shri Justice Goutam Bhaduri**Order****30-09-2020**

1. Heard.
2. Learned counsel for the petitioner would submit that the petitioner is working as Deputy Director, Agriculture and his next promotion is to the post of Joint Director. He would further submit that the petitioner is senior to one A.K. Banjara and in the gradation list petitioner's name appeared at serial No.30, whereas name of A.K. Banjara appeared at serial No.31. He

would submit that though the petitioner has to his credit holds the unblemished record of past four years with excellent remarks, but he has not been considered for next promotion, whereas A.K. Banjara has been considered by Departmental Promotion Committee for promotion. He would further submit that if promotion order is issued, the right of the petitioner would be affected. He would further submit that the petitioner made a representation on 26-4-2020 (Annexure P/4) and another one on 30-8-2020 before the respondent authorities ventilating all his grievances, however, the same have not been decided raising grievance why he has not been considered for promotion to the post of Joint Director, therefore, respondents may be directed to decide the representation.

3. On the other hand, learned State counsel opposing the arguments advanced by learned counsel for the petitioner would submit that the decision of Annexure P/4 would amount to review and as A.K. Banjara has not been impleaded as necessary party in the case, the present petition would not be maintainable.
4. Perusal of Annexure P/4 which the petitioner claims to be decided, would show that as the DPC has already been convened, therefore, directing fresh decision with respect to application dated 24-6-2020 (Annexure P/4) would lead to

interference with the finding of DPC which is already held and it would amount to a direction to hold the review DPC. The beneficiary Shri A.K. Banjara has been held to be placed over and above the petitioner and any order on Annexure P/4 would amount to interference which exists in favour of A.K. Banjara. Further more, A.K. Banjara has not been made party to this petition, therefore, any direction issued or any order passed on Annexure P/4 would seriously prejudice to the right of A.K. Banjara.

5. In view of what has been discussed above, at this stage, it appears that the petition is pre-mature and in absence of impleadment of proper party, no relief can be granted by this court.
6. Accordingly, the petition being devoid of merit is liable to be and is hereby dismissed.

Sd/-
(Goutam Bhaduri)
Judge

Raju