

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 4100 of 2020**

- Ramesh Das S/o Late Shri Amir Das Aged About 36 Years R/o Phase-2, House No.309, Rajkishore Nagar, Bilaspur, Police Station - Sarkanda, Tahsil And District - Bilaspur (Chhattisgarh),

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Its Secretary, Department Of Home/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 Home/public Prosecution, Indravati Bhawan, police Station And Post - Rakhi, Atal Nagar, New Raipur, District - Raipur (Chhattisgarh)
3. Joint Director Office Of Joint Director, Establishment Branch, Department Of Public Prosecution, Indravati Bhawan, Police Station And Post - Rakhi, Atal Nagar, New Raipur, District - Raipur (Chhattisgarh)

---- Respondents

For Petitioner : Mr. Abhishek Pandey, Advocate

For Respondents/ State : Ms. Akansha Jain, Dy. G.A.

Hon'ble Shri Justice Goutam Bhaduri**Order****14.10.2020**

Heard.

1. The contention of the petitioner is that the petitioner was appointed as AG - III on 20.02.2013. 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 31.08.2020 (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