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HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No. 4203 of 2020

S.K. Dubey S/o Late M L Dubey Aged About 62 Years R/o House No. I- 4, Shatabdi Nagar, Police Station Telibandha, Tehsil and District Raipur Chhattisgarh.

---Petitioner(s)

Versus

1. State of Chhattisgarh Through Chief Secretary, Mantralaya , Mahanadi Bhawan, Nava Raipur, Atal Nagar, District Raipur Chhattisgarh.
2. The Secretary Department of General Administration, Mantralaya, Mahanadi Bhawan, Nava Raipur, Atal Nagar , District Raipur Chhattisgarh.
3. The Secretary Department of Scheduled Tribe and Scheduled Caste Development , Mantralaya , Mahanadi Bhawan, Nava Raipur , Atal Nagar , District Raipur Chhattisgarh.
4. Chhattisgarh State Public Service Commission Through Secretary Shankar Nagar Road, Raipur , District Raipur Chhattisgarh.
5. The Commissioner Scheduled Tribe and Scheduled Caste Development, Indravati Bhavan, Nava Raipur, Atal Nagar, District Raipur Chhattisgarh.

---Respondents

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Writ Petition (S) No. 4382 of 2020

S. L. Panna S/o Late T B Panna Aged About 61 Years R/o Sector 17, Qtr. No. E-2/5, P. S. Rakhi, Nava Raipur Atal Nagar, District Raipur Chhattisgarh.

---Petitioner(s)

Versus

1. State of Chhattisgarh Through Chief Secretary, Mantralaya, Mahanadi Bhawan, Nava Raipur, Atal Nagar, District Raipur Chhattisgarh.
2. The Secretary Department of General Administration, Mantralaya, Mahanadi Bhawan, Nava Raipur, Atal Nagar, District Raipur Chhattisgarh.
3. The Secretary Department of Scheduled Tribe and Scheduled Caste Development, Mantralaya, Mahanadi Bhawan, Nava Raipur, Atal Nagar, District Raipur Chhattisgarh.
4. Chhattisgarh State Public Service Commission Through Secretary Shankar Nagar Road, Raipur, District Raipur Chhattisgarh.
5. The Commissioner Scheduled Tribe and Scheduled Caste Development, Indravati Bhavan, Nava Raipur, Atal Nagar, District Raipur Chhattisgarh.

---Respondents

For Petitioners	:	Shri Rohit Sharma, Advocate.
For Respondent-State	:	Ms. Akanksha Jain, Dy. Govt. Advocate.
For Respondent No.4	:	Shri Anand Mohan Tiwari, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order On Board

24.11.2020

1. Since common facts and issues are involved in both these writ petitions, they are being disposed of by this common order.
2. The substantial grievance of the petitioners in these writ petitions is the non consideration of the petitioners for being promoted to the post of Additional Director (Tribal) in spite of fact that DPC that was convened on 29.05.2020 has recommended in favour of the petitioners.
3. According to counsel for the petitioners, the petitioners herein are to retire from service on attaining the age of superannuation w.e.f. 31.12.2020 and 30.06.2021 respectively and that is the reason why these writ petitions have been filed so that the benefits of the promotional post can be enjoyed by the petitioners for their limited period of service that is left and further that the retiral dues payable to the petitioners including pensionary benefits would also get improved on their being promoted on the post of Additional Director.
4. The writ petition came up for hearing on admission on 27.10.2020 and this court directed the respondents to seek instructions keeping in view the fact that the petitioners are going to retire in December, 2020 and June, 2021.
5. The Respondents State herein have entered appearance and have filed their reply and in the reply they have categorically stated DPC infact convened on 29.05.2020 and the petitioners have been found eligible for promotion and it has been stated by the State that the process for promotion promoting the petitioners to the post of Additional Director is under process and the petitioners would be duly promoted as per their entitlement in accordance with law. For ready reference para 3&4 of the return submitted by the State is reproduced hereinunder:

“3. It is respectfully submitted on behalf of the answering respondents that, it is admitted that, the PSC has conducted

the DPC on 29.05.2020 and has forwarded the recommendation of promotion of the petitioner to the post of Additional Director, Tribal Department. As regards the contention raised by the petitioner, it is submitted that, the process for promoting the petitioner to the post of Additional Director, Tribal Department is under process and the petitioner would be duly promoted as per his entitlement in accordance with law.

4. Thus, it is submitted that the case of the petitioner for promotion to the post of Additional Director is under consideration before the department and he would be duly promoted for which he would be entitled and no prejudice would be done with the petitioner.”
6. In view of the fact that the respondents themselves have in their reply categorically stated that the cases of the petitioners for promotion to the post of Additional Director is under process, this court is of the opinion that no further adjudication part is left to be decided by this court. The writ petition at this juncture, on the basis of reply of the State itself, can be disposed of.
7. Both the writ petitions accordingly stand disposed of directing the respondent No.3 to ensure that promotion process of the petitioners is finalized at the earliest within a period of 30 days from today. It is made clear that while taking a decision, the respondent No.3 shall also bear in mind the circular of the State Govt. dated 16.02.2015 issued by the General Administration Department in respect of directives pertaining to DPC to be held.
8. The writ petition accordingly stands disposed of with the aforesaid direction. No order as to costs.

Sd/-
(P. Sam Koshy)
Judge