

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 4290 of 2020**

1. Vijay Kumar Dewangan S/o Bharat Lal Dewangan Aged About 35 Years Working As Administrative Officer Late Baliram Kashyap Memorial Government Medical College Associate Hospital Dimrapal, Jagdalpur District Bastar Chhattisgarh 494001.
2. Bhupendra Kumar Sao S/o Gaur Singh Sao Aged About 45 Years Working As Administrative Officer, Government College Of Nursing, Jagdalpur, District Bastar Chhattisgarh.
3. Jagdish Prasad Singh S/o Shri Man Singh Aged About 45 Years Working As Administrative Officer, Government Medical College, Ambikapur, District Surguja Chhattisgarh.
4. Navneet Kumar Devhari S/o Late Shri P.R. Devhari Aged About 38 Years Working As Administrative Officer, Government College Of Nursing Rajnandgaon District Rajnandgaon Chhattisgarh.
5. Ashok Kumar Mahipal S/o Kirit Ram Mahipal Aged About 45 Years Working As Administrative Officer, Government College Of Nursing, Ambikapur, District Surguja Chhattisgarh.

---- Petitioners**Versus**

1. State of Chhattisgarh Through Its Secretary Department of Medical Education, Mantralaya, Mahanadi Bhawan, Atal Nagar, Nawa Raipur, District Raipur Chhattisgarh.
2. Secretary Department of General Administration, Mantralaya, Mahanadi Bhawan, Atal Nagar, Nawa Raipur, District Raipur Chhattisgarh.
3. Director Office Of Directorate, Medical Education, Old Nurses Hostel, DKS Bhawan Campus, District Raipur Chhattisgarh.

---- Respondents

For Petitioners : Shri Vinod Deshmukh, Advocate.
 For Respondent-State : Shri Vikram Sharma, Deputy Government Advocate.

Hon'ble Shri P. R. Ramachandra Menon, Chief Justice
Hon'ble Shri Justice Parth Prateem Sahu, Judge

Judgment on Board**Per P. R. Ramachandra Menon, Chief Justice****23.11.2020**

1. The grievance of the petitioners is mainly with regard to the closure of the door of promotion for ever by causing amendment of the Annexure P/4 Rules as per Annexure P/1; at the same time, throwing it open for the

persons who are situated on lower pedestal than the Petitioners (who form the feeder category for promotion to the post held by the Petitioners).

2. Heard Shri Vinod Deshmukh, the learned counsel for the Petitioners as well as Shri Vikram Sharma, Deputy Government Advocate representing the State.
3. The Petitioners were selected, by virtue of their credentials, by the Public Service Commission, way back in the year 2015, to the post of Administrative Officer and they joined the posts accordingly in 2015. The said selection was in the light of the relevant Rules existing at that point of time as borne by Annexure P/4 Rules 2013. By virtue of the said Rules, it is contended that the Petitioners are eligible to be considered for further promotion to the post of 'Assistant Director' (Non-Technical) on the completion of 'five' years in the feeder category post of Administrative Officer. In fact, the post of Administrative Officer was to be filled up by promotion from the lower post of Office Superintendent or Personal Assistant. In the year 2019, the Rules have undergone a substantial change as per Annexure P/1, whereby the post of Administrative Officer held by the Petitioners has been taken away from the feeder category for promotion to the post of 'Assistant Director' (Non-Technical). At the same time, the feeder category to the post of the Assistant Director (Non-Technical) has been mentioned as 'Personal Assistant', which in fact was the feeder category for promotion to the post of Administrative Officer held by the Petitioners. So there is 'double jump' in respect of the persons who are holding the post of Personal Assistant and the persons like the Petitioners who are holding the higher post of Administrative Officer have been virtually pushed out from the arena, which has caused much loss and injury to them. This anomaly was taken up for the consideration and redressal by submitting Annexure P/5 representation before the 1st Respondent.

4. The learned counsel for the Petitioners submits that the matter was considered by the 3rd Respondent as well and it has been recommended by the said Respondent, pointing out that the grievance requires to be redressed, in view of the glaring anomaly. The learned counsel submits that despite the representation and recommendation as above, no proper action has been taken by the 1st Respondent and hence the writ petition.
5. Shri Vikram Sharma, the learned counsel representing the State submits that the grievance projected in the representation and recommendation made by the 3rd Respondent can be considered only by the 1st Respondent, who is the Competent Authority. It is stated that it will be considered and appropriate orders will be passed within a reasonable time.
6. In the said circumstances, we do not find it necessary to go into the merits of the case. The writ petition stands disposed off directing the 1st Respondent to consider Annexure P/5 in the light of the recommendations made by the 3rd Respondent and such other relevant materials, of course after affording an opportunity of hearing to any of the Petitioners herein. The matter shall be finalised as above at the earliest, at any rate within a period of 'three months' from the date of receipt of a copy of this judgment. The Petitioners are required to produce a copy of the judgment, alongwith the copy of writ petition, before the 1st Respondent for further steps.

Sd/-

(P. R. Ramachandra Menon)
Chief Justice

Sd/-

(Parth Prateem Sahu)
Judge