HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 4319 of 2020

- Bhagirathi Upadhyay S/o Late Shri Bhekhram Upadhyay Aged About 60 Years Occupation Assistant Grade II, Office Of The Deputy Director, Raigarh, District Raigarh Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary Of Public Health Engineering And Village Industries Ministry, Mahanadi Bhawan,Atal Nagar Nava Raipur, Chhattisgarh
2. The Director, Village Industries (Sericulture Department), Indravati Bhawan, Block No-01, Fourth Floor, Atal Nagar Nava Raipur, Chhattisgarh
3. The Deputy Director Sericulture Raigarh District Raigarh, Chhattisgarh 496001
4. The Assistant Director Sericulture Balrampur, District Balrampur, Chhattisgarh Pin-497220
5. Shri Pradeep Kumar Gupta Occupation Assistant Grade II, C/o Office Of The Assistant Director Sericulture Balrampur, District Balrampur, Chhattisgarh Pin-497220

---- Respondents

For Petitioner	:	Shri Sandeep Dubey, Advocate
For State	:	Ms. Akanksha Jain, Dy. G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

04.11.2020

Heard.

1. Learned counsel for the petitioner would submit that by order dated 29.09.2020 (Annexure P-1) the petitioner was promoted and posted from Raigarh to Janjgir. He would further submit that as per Clause 2.2 of the the policy of the State dated 27.05.2020 (Annexure P-3) it has been resolved that in case of promotion if the person is effected as far as possible he should be upgraded and posted at the same place.

2. Clause 2.2 of the policy reads as under:-

2.2 पदोन्नति –

विभाग द्वारा नियमित पदोन्नति में निर्धारित प्रक्रिया का पालन किया जाए। किन्तु पदोन्नति के परिणाम स्वरूप होने वाले स्थानांतरण को रोकने हेतु यथा संभव उस पद

को उसी स्थान पर आगामी आदेश तक अस्थायी तौर पर उन्नयन (UPGRADE) कर दिया जाए।

पदोन्नति/क्रमोन्नति के फलस्वरूप देय एरियर्स राशि के भुगतान को वित्त विभाग के आगामी आदेश तक विलंबित रखा जाए।

3. Therefore, the petitioner prays that he should not be transferred and he may be given the liberty to make a representation to Respondent No. 2 which may be decided within a stipulated time.

4. Per contra, learned State counsel opposes the argument and would submit according to Clause 3 of the promotion order Annexure P-1, if the person do not take the charge within 30 days it would be deemed that he is abandoned the promotion.

5. Clause 3 of the promotion order (Annexure P-1) reads as under:-

> 3/ संबंधित कर्मचारी द्वारा 30 दिवस के भीतर पदोन्नत पद पर कार्यभार ग्रहण नहीं किया जाता है, अथवा किसी कारणों से पदोन्नति परित्याग करता है तो संबंधित कर्मचारी के लिए यह आदेश स्वमेव निरस्त माना जावेगा, तथा चयन सूची से कनिष्ठ कर्मचारी को पदोन्नत करने पर विचार किया जावेगा। साथ ही यदि संबंधित कर्मचारी द्वारा पदोन्नति इंकार के लिए प्रस्तुत किए गए कारण पुष्ट एवं संतोषजनक न हो तो आदेश का पालन करने से इंकार के लिए संबंधित के विरूद्ध अनुशासनात्मक कार्यवाही भी की जा सकेगी।

6. Perused the documents.

7. Perusal of Annexure P-1 shows that on being promoted, the place of posting was changed from Raigarh to Janjgir.

8. Considering the fact that petitioner has already preferred a representation dated 01.10.2020, without any observation on the merits, the Respondent No. 2 is directed to decide the representation of the petitioner within a further period of 45 days from the date of receipt of a copy of this order.

9. With the aforesaid observation, the petition stands disposed of.

Sd/-
Goutam Bhaduri
Judge

Jyoti