

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**REVIEW PETITION NO. 183 OF 2020**

1. A. K. Garhewal, S/o Late Shri Agar Sai, Aged About 58 Years, Presently Posted as In-charge Additional Director, SC/ST Welfare Department, O/o Commissioner, Indrawati Bhawan, Ground Floor, Nawa Raipur, Distt. Raipur (CG)
2. A.R. Navrang, S/o Shri T.R. Navrang, Aged About 50 Years, Posted as Deputy Commissioner, O/o Commissioner, S.T. and S. C. Development, Indravati Bhawan, Ground Floor, Nawa Raipur, District Raipur (CG)
3. Pragyan Seth, S/o Late Shri G.C. Seth, Aged About 53 Years, Posted as Deputy Commissioner, O/o Commissioner S.T. and S.C. Development, Indrawati Bhawan, Ground Floor, Nawa Raipur, District Raipur (CG)
4. Smt. Gayatri Netam, W/o Shri G.L. Netam, Aged About 49 Years, Posted as Deputy Commissioner, O/o Commissioner S.T. and S.C. Development, Indrawati Bhawan, Ground Floor, Nawa Raipur, District Raipur (CG)

... Petitioners**versus**

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

... Respondents

For Petitioner	:	Ms. Naushila Afrin Ali, Advocate.
For Respondents 1, 2, 3 & 5	:	Mr. Sudeep Verma, Dy. G.A.
For Respondent 4	:	Mr. Anand Mohan Tiwari, Advocate.
For Respondent 6	:	Mr. Sunil Soni, Advocate, under instructions of Mr. Rohit Sharma, Adv.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****16/12/2020**

1. The present Review Petition has been filed seeking review of order dated 24.11.2020 passed in WPS No. 4203/2020.
2. The ground for seeking review of order dated 24.11.2020 is that the Petitioners herein have already filed a writ petition i.e. WPS No. 2535/2020 challenging the recommendations made by the Departmental Promotion Committee (in short, "DPC") that was convened on 29.5.2020.

3. According to learned Counsel for Petitioners, since WPS No.2535/2020 was already entertained by this Court and notices have been issued to the State Government to file their response, this fact should have been brought to the notice of this Court at the time of disposal of WPS No. 4203/2020.

4. Now what has to be seen at this juncture is that WPS No.4203/2020 was taken up for hearing along with WPS No.4382/2020. The limited relief that the Petitioners in WPS No. 4203/2020 and WPS No. 4382/2020 had sought for was that, as they had a very short duration of service left before their superannuation and that the DPC that was convened on 29.5.2020 having recommended them for promotion, the promotion process be finalized at the earliest so that they can enjoy the benefits of their promotion for their limited period of service left.

5. The State had also filed their response in the aforementioned writ petitions and in their reply they had categorically mentioned that the DPC in fact was convened on 29.5.2020 and the recommendations have been made and further that since the promotion process is already undergoing, the Respondents shall be passing an order, at the earliest, in accordance with law.

6. In view of the return filed by the State, the said Writ Petitions were disposed of asking the Respondents to finalize the promotion process within a period of 30 days, taking note of the fact that the Petitioner in W.P.S. No. 4203/2020 was to retire from services with effect from 31.12.2020.

7. Merely because the Petitioners herein have filed W.P.S No. 2535/2020 would not by itself be a ground for stalling the recommendations of the DPC convened on 29.5.2020. Even if the proceedings are wrongly drawn, unless the DPC proceedings are held to be bad by this Court, the same has to be acted upon by the Respondents and this Court has also disposed of the said two Writ Petitions only to that limited extent. The pendency of a Writ Petition without an interim order questioning the DPC cannot be a ground for review of the order passed by this Court. Further, this Court had only disposed of the said Writ Petitions in terms of the response given by the State Government where the State Government had submitted that the promotion process is undergoing and orders would have to be passed in accordance with law. As far as the right of the

Petitioners herein are concerned, the same may accrue only after the Writ Petition filed by them is allowed after hearing all the parties to the said Writ Petition and the consequences to follow which could include unsettling of decision by the State Government as an outcome of DPC.

8. Review Petition, therefore, being devoid of merits deserves to be and is accordingly dismissed.

Sd/-

(P. Sam Koshy)
JUDGE

/Sharad/