

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 5398 of 2020**

Bipin Kishore Xalxo S/o Late Mohan Xalxo Aged About 59 Years Presently Working As Superintending Engineer In The Office Of Commissioner And Chairman, Hasdeo Ayakat Vikas Pradhikaran, Bilaspur , R/o C 28, Alka Awanue, Uslapur, Bilaspur , District Bilaspur Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Water Resources Department , Mantralaya , Mahanadi Bhawan, Atal Nagar, Nawa Raipur , District Raipur Chhattisgarh.
2. Engineer In Chief Water Resources Department, Shivnath Bhawan, Atal Nagar , Nawa Raipur, District Raipur Chhattisgarh.
3. Dharamchand Jain Chief Engineer (In Charge) (Original Post Superintending Engineer) , Presently Posted At Mahanadi Godawari Basin , Water Resources Department Raipur, District Raipur Chhattisgarh
4. Lilashankar Chandrakar Superintending Engineer, Presently Posted At Water Resources Circle, Korba, District , Korba Chhattisgarh.
5. Ramaswami Naidu Superintending Engineer, Presently Posted At Water Resources Circle, Bilaspur, District Bilaspur Chhattisgarh.
6. Chandraprakash Jain Superintending Engineer, Presently Posted At Water Resources Circle, Raipur, District , Raipur Chhattisgarh.
7. Shekh Shakir Superintending Engineer, Presently Posted At Water Resources Circle, Jagdalpur District Bastar Chhattisgarh.
8. Arvind Kumar Sharma Superintending Engineer, Presently Posted On Deputation , Nawa Raipur Development Authority District , Raipur Chhattisgarh.
9. Virendra Tiwari Presently Posted At Mahanadi Reservoir Project Dam Circle, Water Resources Department Rudri, District Dhamtari, Chhattisgarh.
10. Rakesh Kumar Nagariya Chief Engineer (In Charge) (Original Post Superintending Engineer) Presently Posted At Mahanadi Project , Water Resource Department , Raipur District Raipur Chhattisgarh.
11. Shrikant Agrawal Superintending Engineer, Presently Posted At Mahanadi Reservoir Project Dam Circle , Water Resource Department , Rudri District Dhamtari Chhattisgarh.
12. Anil Kumar Lalit Superintending Engineer, Presently Posted At Hasdeo Basin, Water Resources Department , Bilaspur , District Bilaspur Chhattisgarh.

13. Devendranath Gidroniya Superintending Engineer (Officer On Special Duty (Osd), Mantralaya , Mahanadi Bhawan, Water Resources Department , Nawa Raipur , District Raipur Chhattisgarh.
14. Prasun Kumar Sharma Superintending Engineer, Administration, Office Of The Engineer In Chief , Water Resources Department , Shivnath Bhawan, Nawa Raipur , District Raipur Chhattisgarh.
15. Parmanand Jangde Superintending Engineer, Design, Office Of The Engineer In Chief , Water Resources Department , Shivnath Bhawan, Nawa Raipur , District Raipur Chhattisgarh.
16. Sunil Kumar Ravi Chief Engineer (In Charge), Hasdeo Ganga Basin Water Resources Department , Ambikapur , District Surguja Chhattisgarh.
17. A.K. Badiye Superintending Engineer, Design, Office Of The Engineer In Chief, Water Resources Department , Shivnath Bhawan, Nawa Raipur , District Raipur Chhattisgarh.
18. Deepak Kumar Bhumerkar Superintending Engineer, Design, Office Of The Engineer In Chief, Minimata Hasdeo Bango Project Bilaspur Water Resources Department , District Bilaspur Chhattisgarh.
19. Mukesh Santoshi Superintending Engineer (Deputation), On Pmgsy , Kanker , District Kanker Chhattisgarh.
20. Kuldeep Tirkey Superintending Engineer, Water Resources Circle, Hasdeo Bango Project Circle, Kharsiya, District Raigarh Chhattisgarh.
21. Kuber Singh Guruwar Superintending Engineer , Design, Office Of The Engineer In Chief , Water Resources Department , Shivnath Bhawan , Nawa Raipur, District Raipur Chhattisgarh.
22. Smt. Kotima Uikey Project Administrator, Mahanadi Ayakat, Development Authority, Raipur , District Raipur Chhattisgarh.
23. Chandra Singh Paraste Superintending Engineer, Design, Office Of The Chief Engineer, Hasdeo Ganga Basin, Water Resources Department , Ambikapur , District Surguja Chhattisgarh.
24. Jageshwar Ram Bhagat Superintending Engineer, Design Office Of The Chief Engineer, Hasdeo Basin , Water Resources Department , Bilaspur , District Bilaspur Chhattisgarh
25. Vijay Kumar Lakra Superintending Engineer, Design Office Of The Chief Engineer, Mahanadi Project Water Resources Department ,raipur , District Raipur Chhattisgarh.
26. Ajay Kumar Somawar Superintending Engineer, In Charge Chief Engineer, Hasdeo Basin , Water Resources Department , Bilaspur , District Bilaspur Chhattisgarh.
27. Rajesh Kumar Indwar Superintending Engineer, Design Additional Charge, Water Resources Circle ,Raigarh, District Raigarh, Chhattisgarh Office Of The Engineer In Chief, Water Resources

Department , Shivnath Bhawan, Nawa Raipur, District Raipur Chhattisgarh.

28. Sameer Kumar George Superintending Engineer, Shivnath Circle , Water Resources Department , Durg, District Durg Chhattisgarh.

---- Respondents

For Petitioner	:	Mr. Kishore Narayan, Advocate
For State	:	Mr. Sudeep Verma, Deputy G.A.

Hon'ble Shri Justice P. Sam Koshy
Order on Board

17/12/2020

1. The challenge in the present writ petition is the alleged arbitrary action on the part of the respondents in initiating a promotion process for filling up for the post of Chief Engineer under the respondents.
2. According to the petitioner, vide the impugned order Annexure P/1 dated 23.11.2020 the respondents have issued a list of 27 candidates holding them to be eligible for being considered for promotion to the post of Chief Engineer.
3. Counsel for the petitioner took this Court to the Rules governing the field i.e. the Chhattisgarh Water Resources Engineering and Geological (Gazetted) Services Recruitment Rules, 2014. The petitioner drew the attention to schedule-IV of the said Rules which prescribes the minimum eligibility criteria and in schedule-IV the post of Superintending Engineer is reflected and against which the minimum qualifying period required for promotion to the next higher post that of Chief Engineer is prescribed as 5 years. It also prescribes that out of the total length of service minimum one year

of service should be in the design, survey and research work. According to the petitioner, of the 27 candidates who have been short listed for being considered for promotion there are only 8 officers, who fulfill the eligibility criteria as per schedule-IV.

4. According to the petitioner, under the said Rules again the ratio of persons to be called is +4 more than two times the vacancy. According to the petitioner, the total number of vacancy including an anticipated vacancy which is falling in January, 2021 would be 5 and accordingly the total persons who could be called or brought in the zone of consideration would be $5 \times 2 + 4$ which makes it 14, in any case it could not had been 27. Of this 14 again the counsel for the petitioner submits that there are only 8 persons who are qualified and competent to be promoted to the post of Chief Engineer. According to the petitioner, the eligibility criteria has to be taken with the cut off date being 01.01.2020 that is the year in which the promotion process has been initiated.
5. Learned State counsel at this juncture submits that the promotion process is at a very preliminary stage and it is only a broad consideration by the committee of all those employees in the feeder post to the post of Chief Engineer, who have been shortlisted for promotion. The promotion process in any case would be strictly in accordance with the Rules of 2014 referred to by the counsel for the petitioner and it cannot be at this juncture presumed that these Rules would not be abided by the promotion committee.
6. Given the said submissions by the learned counsel for the State and also taking note of the specific pleadings that the petitioner has

made in his writ petition, this Court is of the opinion that instead of calling for a reply of the respondents by admitting the writ petition, which may further prolong the promotion process for sometime it would be rather in the interest of justice if the writ petition at this juncture is disposed of directing the respondents to ensure that any promotion process that is initiated for filling up of the vacant post of Chief Engineer should be done strictly adhering to the rules and the procedures prescribed in the afore quoted Rules of 2014. Any deviation to this would be considered as violative of the Rules of 2014.

7. Expecting the respondents authorities to adhere to the aforementioned Rules in the process of finalizing the promotion process, the writ petition stands disposed of.
8. Needless to mention that the observations made by this Court would be applicable only in the event if the Rules of 2014 are in force unless the same is either amended, modified or replaced by another set of Rules.

Sd/-
(P. Sam Koshy)
Judge

Ved