

HIGH COURT OF CHHATTISGARH AT BILASPUR**Writ Petition (S) No. 654 of 2012**

Nerus Kujur S/o Late E. Kujur, Aged about 44 years, Working as Assistant Registrar, Co-operative Societies, Bilaspur, Chhattisgarh.

---Petitioner

Versus

1. State of Chhattisgarh, Through the Secretary, Co-operative Department, Mantralaya, D.K.S. Bhawan, G.E. Road, Raipur, Chhattisgarh.
2. The Registrar, Co-operative Societies, Vivekanand Complex, Pension Wada, Raipur, Chhattisgarh.
3. C.L. Thakur, Manager (Account) Chhattisgarh Rajya, Laghu Vanopaj Sahakari Sangh, A-25, VIP Estate, Khambahardih, Raipur, Chhattisgarh.
4. Sandeep Gupta, Deputy Registrar, Sahakari Society, Office of Registrar Sahakari Societies, Vivekanand Complex, Pensionbada, Raipur, Chhattisgarh.

---Respondents

For Petitioner	:-	Mr. H.B. Agrawal, Senior Advocate with Mr. Pankaj Agrawal, Advocate
For State	:-	Mr. Sunil Otwani, Addl. A.G. and Mr. Siddharth Dubey, Dy. G.A.

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

08/09/2021

1. The case of the petitioner for promotion on the post of Deputy Registrar from the post of

Assistant Registrar was not considered by the Departmental Promotion Committee in view of concurrence of order dated 25/04/2011 by which punishment of withholding three annual increments with non-cumulative effect has been imposed upon the petitioner. That order was set aside by the Appellate Authority by order dated 30/01/2012.

2.Mr. H.B. Agrawal, learned senior counsel appearing for the petitioner, would submit that in view of the order dated 30/01/2012 by which the order of punishment has been quashed, petitioner is entitled to be considered and promoted on the post of Deputy Registrar and he has already made representation in this regard on 30/01/2012 which has not been considered and decided. He would also submit that meanwhile petitioner has been granted promotion on the post of Deputy Registrar, however, he is entitled to be promoted with effect from 14/12/2011 i.e. the date on which respondents No. 3 and 4 have been promoted on the said post.

3.Mr. Sunil Otwani, learned State counsel, would submit that petitioner's representation will be considered in accordance with law.

4. I have heard learned counsel for the parties, considered their submissions made herein-above and went through the records with utmost circumspection.

5. Since the order dated 25/04/2011 imposing punishment upon the petitioner has already been quashed on 30/01/2012, petitioner's case for promotion deserves to be considered in light of the fact that the order of punishment has already been quashed by the appellate authority. Since the petitioner has already been promoted on the post of Deputy Registrar, his representation for retrospective promotion/other benefits (if any) with effect from 14/12/2011 shall be considered in accordance with law by respondent No. 1 and decided within two months from the date of receipt of copy of this order (if not already considered and decided).

6. With the aforesaid direction, this writ petition stands disposed of. No cost(s).

Sd/-
(Sanjay K. Agrawal)
Judge