

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 6134 of 2010**

Saumitra Mishra S/o Shri V.B. Mishra, Aged about 44 years, R/o Indu Chowk, Civil Lines, Bilaspur, Chhattisgarh.

---Petitioner

Versus

1. State of Chhattisgarh, Through its Principal Secretary, Commercial Tax Department, D.K.S. Bhawan, Raipur, Chhattisgarh.
2. Commissioner Excise, Shiv Bhawan, Byron Bazar, Raipur, Chhattisgarh.
3. Balak Das Sahu, Working as Excise Constable O/o Asst. Commissioner Excise at Rajnandgaon, Age and address not known to the petitioner.
4. Deepak Kumar Gupta, Working as Excise Constable O/o Asst. Commissioner Excise at Rajnandgaon, Age and address not known to the petitioner.
5. Salim Khan, Working as Excise Constable O/o Asst. Commissioner Excise at Durg, Age and address not known to the petitioner.
6. Ganesh Shankar Upadhyaya, Working as Excise Constable O/o Asst. Commissioner Excise at Durg, Age and address not known to the petitioner.
7. Ramapati Shukla, Working as Excise Constable O/o Asst. Commissioner Excise at Durg, Age and address not known to the petitioner.
8. Bhuneshwar Singh Sengar, Working as Excise Constable O/o Asst. Commissioner Excise at Raipur, Age and address not known to the petitioner.

9. Kuldeep Sharma, Working as Excise Constable at Bilaspur, Age and Address not known to the petitioner.
10. Kamlesh Dubey, Working as Excise Constable at Bilaspur, Age and Address not known to the petitioner.
11. Ramesh Kumar Dubey, Working as Excise Constable at Bilaspur, Age and Address not known to the petitioner.
12. M.V. Dattatreya, Working as Excise Constable at Bilaspur, Age and Address not known to the petitioner.
13. Shri Kumar Giri Goswami, Working as Excise Constable at Bilaspur, Age and Address not known to the petitioner.
14. Ramsanehi Yadav, Working as Excise Constable at Bilaspur, Age and Address not known to the petitioner.
15. Jaisingh Markam, Working as Excise Constable at Bilaspur, Age and Address not known to the petitioner.
16. Manoj Kumar Sharma, Working as Excise Constable at Bilaspur, Age and Address not known to the petitioner.
17. Kamlesh Kumar Dubey, Working as Excise Constable at Bilaspur, Age and Address not known to the petitioner.
18. Ramesh Kumar Dubey, Working as Excise Constable at Bilaspur, Age and Address not known to the petitioner.

19. Munna Lal Mahilang, Working as Excise Constable at Bilaspur, Age and Address not known to the petitioner.

--- Respondents

WPS No. 6186 of 2010

Sachchidanand Singh S/o Parmeshwar Singh, Aged about 46 years, R/o Ring Road, Namnakala, Ambikapur, Distt. Surguja, Chhattisgarh.

---Petitioner

Versus

1. State of Chhattisgarh, Through Secretary, Excise Department, D.K.S. Bhawan, Raipur, Chhattisgarh.
2. Commissioner Excise Chhattisgarh, Shiv Bhawan, Bairan Bazar, Raipur, Distt. Raipur, Chhattisgarh.
3. District Excise Officer, Surguja, Distt. Surguja, Chhattisgarh.

--- Respondents

WPS No. 6129 of 2010

Rajesh Kumar Pandey S/o Shri Brijbihari Pandey, Aged about 43 years, Posted as Constable in Excise Department, Now Posted in Chhattisgarh State Beverages Corporation Ltd. Lingiyadeeha Bilaspur, R/o Chandra Vihar Colony Mangala Road, Bilaspur, P.S. Civil Lines Bilaspur, Tahsil and Distt. Bilaspur, Chhattisgarh.

---Petitioner

Versus

1. State of Chhattisgarh, through Secretary, Excise Department, D.K.S. Bhawan, Mantralaya, Raipur, Chhattisgarh.

2. Commissioner, Excise, State of Chhattisgarh,
Raipur, Chhattisgarh.

3. Chhattisgarh State Beverages Corporation Ltd.
Through its General Manager, Chhattisgarh State
Beverages Corporation Ltd., Govind Nagar, Pandari
Raipur, Chhattisgarh.

4. Assistant Commissioner Excise, Bilaspur,
Chhattisgarh.

--- Respondents

For Petitioners :- Mr. Vinod Deshmukh, Mr. Manoj Paranjpe
and Mr. Suresh Kumar Pandey, Advocates

For Respondents No. 3 to 19 in WPS/6134/2010 :-

Mr. R.S. Marhas, Advocate

For State :- Mr. Sunil Otwani, Addl. A.G.

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board (Through Video Conferencing)

05/07/2021

1. In this batch of writ petitions, the petitioners are seeking for direction to appear in the departmental examination which was scheduled to be held on 26/10/2010 for the promotional post of 'Excise Sub-Inspector' principally on the ground that their candidature has been rejected on the ground that they have not completed five years of requisite service on the post of 'Excise Constable'

as per Chhattisgarh Excise Subordinate Class- III (Executive) Service Recruitment Rules, 1982.

2. At the outset, learned counsel for the parties, would submit that this Court has stayed the said departmental examination by order dated 25/10/2010 passed in WPS/6186/2010 and by virtue of that interim order, the examination could not be conducted, as such, the date on which the said examination was scheduled to be conducted has already expired and meanwhile, the petitioners have also completed five years of requisite service on the post of 'Excise Constable', therefore, it be directed that the said departmental examination be conducted and petitioners be permitted to appear in the said examination.

3. Be that as it may, since the departmental examination could not be conducted as it remained stayed for ten years and the writ petitions also remained pending, it is directed that the said examination be conducted in accordance with the relevant rules and in case the examination is conducted, the petitioners, who have now completed five years of requisite service on the post of 'Excise Constable' and if they are now eligible for the promotional post of 'Excise Sub-Inspector',

their cases will be considered in accordance with the rules.

4. With the aforesaid direction, these writ petitions stand disposed of. No cost(s).

Sd/-
(Sanjay K. Agrawal)
Judge

Harneet