

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 1327 of 2021**

Rajendra Kumar Sonkusale S/o Late Sukhdev Sonkusale Aged About 50 Years Presently Posted At Working As Assistant Grade - I, General Administration Department, Mahanadi Bhawan, Atal Nagar, Nava Raipur, District Raipur Chhattisgarh

---- **Petitioner****Versus**

State Of Chhattisgarh Through The Secretary, Department Of General Administration, Mantralaya, Mahanadi Bhawan, Atal Nagar, Nava Raipur, District Raipur Chhattisgarh

---- **Respondent**

For Petitioner	:	Mr. Shashank Thakur, Advocate
For State	:	Ms. Hamida Siddiqui, Dy. AG

Hon'ble Shri Justice P. Sam Koshy**Order on Board****26/03/2021**

1. The grievance of the petitioner in the present writ petition is the inaction on the part of the respondents in not taking the appropriate steps for granting consequential promotional benefits that the petitioner was otherwise entitled for at par with the persons similarly placed and juniors to the petitioner who have already been promoted long back.
2. The petitioner was working on the post of Assistant Grade -3 under the erstwhile State of M.P. and subsequently stood allocated to the State of Chhattisgarh. After coming to the State of Chhattisgarh the petitioner got promoted initially to the post of Assistant Grade -II and thereafter on the post of Assistant Grade-I. Meanwhile, an alleged complaint in respect of the social status of the petitioner was entertained by the State Level High Powered Caste Scrutiny Committee (In Short "the Committee") in respect

of caste status of the petitioner and where High Powered Caste Scrutiny Committee vide its order dated 27.09.2007 had canceled the caste certificate which the petitioner was in possession and on the basis of which the petitioner had obtained employment.

3. Order of the Committee dated 27.09.2007 was subjected to challenge in WPS 6048/2007 and writ petition finally stood allowed vide judgment dated 12.07.2019. During the period the writ petition was pending consideration before the High Court there was an interim protection in favour of the petitioner restraining the respondents for any coercive steps against the petitioner on the basis of the caste Scrutiny Committee's order. Meanwhile, when the similarly placed persons and persons junior to the petitioner were being considered for periodic promotions the case of the petitioner was left out only on the ground of pending the writ petition before this Court in WPS 6048/2007 with a specific order on behalf of the respondents in the case of the petitioner for promotion shall be considered after the outcome of the aforementioned writ petition. However, the writ petition WPS 6048/2007 stood allowed vide judgment dated 12.07.2019, the respondents in spite of repeated representations made by the petitioner for grant of consequential promotion till date have not considered his grievance nor any relief has been granted to the petitioner leading to the filing of the present writ petition.
4. On a specific query being put to the counsel for the petitioner, he submits that after the allowing of the writ petition WPS 6048/2007, there has been no fresh enquiry was pending against the petitioner before any forum or at least petitioner has not been noticed in this regard by any of the forums. Thus, there is no hindrance as such for the respondents for not to grant consequential promotion to the petitioner which has been granted to the persons similarly placed and also to those persons who are much junior to the petitioner.

5. Given the factual matrix of the case, writ petition at this juncture stands disposed of directing the respondent no.1 to take appropriate steps at the earliest in ensuring the representation which the petitioner has made for grant of consequential promotions at par with other similarly placed persons and persons junior to the petitioner at the earliest preferably within a period of 90 days from the date of receipt of copy of this order.
6. With the aforesaid observations, Writ Petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

Rohit