

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No.1667 of 2021**

1. Heera Lal Dhruw S/o Shri Dhanendra Kumar Dhruw Aged About 34 Years
R/o Village Semhardih, Post- Nipaniya, P.S. Bhatapara, District Baloda-
Bazar (Chhattisgarh)
2. Krishna Kumar Sahu S/o Shri Ashok Kumar Sahu Aged About 32 Years
R/o Village Nayakbandha, Post- Abhanpur, District Raipur (Chhattisgarh)

---- Petitioners**Versus**

1. State of Chhattisgarh Through The Secretary, Department of Transport,
Mahanadi Bhawan, Atal Nagar, Mantralaya, Nawa Raipur, District Raipur
(Chhattisgarh)
2. The Transport Commissioner Chhattisgarh, Indrawati Bhawan, C-Block,
3rd Floor, Atal Nagar, Mantralaya, Nawa Raipur, District Raipur
(Chhattisgarh)

---- Respondents

For Petitioners : Shri Shashank Thakur, Advocate.

For Respondent/State : Shri Chandresh Shrivastava, Deputy Advocate General.

Hon'ble Shri P. R. Ramachandra Menon, Chief Justice
Hon'ble Shri Justice Parth Prateem Sahu, Judge

Order on Board**Per P. R. Ramachandra Menon, Chief Justice****15.03.2021**

1. The Petitioners have moved this Court with the following prayers :

“10.1 The Hon'ble Court may kindly be pleased to issue appropriate writ striking down/setting aside the amendments made in Rules, 2008 by virtue of amendment notification dated 14.01.2021 published in the Gazette in the 15.01.2021 (Annexure P/1).

10.2 The Hon'ble Court may kindly be pleased to issue appropriate writ setting aside the notice inviting applications dated 04.02.2021 pursuant to the amendments made in the Rules, 2008.

10.3 The Hon'ble Court may kindly be pleased to issue appropriate writ/directions to the respondent State to start the process of promotion under lateral entry scheme a fresh after providing adequate opportunity a participation to the petitioners.

10.4 Any other relief, which this Hon'ble Court may deem fit and proper according to the facts and circumstances of the case along with the cost of the petition.”

2. Shri Shashank Thakur, the learned counsel appearing for the Petitioners submits that the amendment to the Chhattisgarh Transport Department Sub Ordinate Class-III (Executive) Service Recruitment and Condition of Service Rules, 2008 brought about in the month of January 2021 is detrimental in all respects as far as carrer of the Petitioners and other similarly situated persons who are working as Data Entry Operators is concerned. Their chance to get promoted to the post of Transport Sub Inspector has been taken away and there is absolutely no rhyme or reason in bringing about the said amendment and hence the petition. It is stated that the grievance has already been brought to the notice of the 1st Respondent by way of filing representation (Annexure P/8), which is not acted upon.
3. We heard Shri Chandresh Shrivastava, the learned Deputy Advocate General as well.
4. In view of the submission made by the learned counsel for the Petitioners that the Petitioners would be satisfied if a direction be issued to the 1st Respondent to have the representation considered and finalized with the reasonable time, we find it appropriate that the matter could be disposed of accordingly without entering into the merits of the case.

5. The 1st Respondent is directed to consider the representation (Annexure P/8) and pass appropriate order in accordance with law, particularly with regard to the nature of challenge raised by the Petitioners and the grievance contained in Annexure P/8, of course after affording an opportunity of hearing to the Petitioners. This shall be done as expeditiously as possible, at any rate within 'one month' from the date of receipt of a copy of this judgment. The Petitioners are required to produce a copy of this judgment along with a copy of the writ petition before the 1st Respondent for further steps.

The petition stands disposed of as above.

Sd/-

(P. R. Ramachandra Menon)
Chief Justice

Sd/-

(Parth Prateem Sahu)
Judge