

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 5354 of 2010**

- Smt. Gitanjali Gajbhiye, W/o Narendra Kumar Gajbhiye, aged about 34 years, Assistant Fisheries Officer, Office of Assistant Director, Rajnandgaon, R/o Tulsipur, Bakhatawar Chal, Ward No. 16, Rajnandgaon, District Rajnandgaon (C.G.)

---- Petitioner**Versus**

1. State of Chhattisgarh, Through Principal Secretary, Agriculture (Fisheries) Department, D.K.S. Bhawan, Raipur (C.G.)
2. Director of Fisheries, Telibandha, Raipur (C.G.)
3. Ku. Beena Gadpale, D/o Shri J.L. Gadpale, aged about 34 years, Assistant Fisheries Officer, Office of Joint Director, Fisheries, Raipur (C.G.)
4. Shri Manoj Kumar Painkra, S/o Shri Ratan Singh Painkra, aged about 32 years, Assistant Fisheries Officer, Office of Assistant Director Fisheries, Dantewada, District Dantewada (C.G.)
5. Shri Mohan Lal Rana, S/o Shri Nardeo Ram Rana, aged about 34 years, Assistant Fisheries Officer, Office of Assistant Fisheries Officer, Office of Assistant Director Fisheries, Rajnandgaon, District Rajnandgaon (C.G.)
6. Smt. Madhu Khakha, W/o Shri J. Anant Khakha, aged about 32 years, Assistant Fisheries Officer, Office of Assistant Director Fisheries, Jashpur, District Jashpur (C.G.)

---- Respondents

For Petitioner	:	Shri Manoj Kumar Sinha, Advocate.
For Respondent/State	:	Shri Ravi Bhagat, Deputy Government Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal, Judge
Order on Board

27.07.2021

1. Proceedings of this matter have been taken up through video conferencing.
2. Shri Sinha, the learned counsel for the Petitioner would submit that the Petitioner is entitled to seniority over and above Respondents No. 3 to 6, but the Respondents No. 3 to 6 got promoted for which Petitioner has already made a representation before the Respondent No. 2 i.e. Director of Fisheries.

3. Shri Bhagat, the learned Deputy Government Advocate for the State would submit that as per the prevailing rules, the seniority of the employees appointed in the Department has been fixed from the date of joining in the Department and not from the date of appointment. The Petitioner has joined the Department on 01.10.2003, whereas Respondent No. 3 has joined on 29.09.2003. Accordingly, the Respondent No. 3 is senior to the Petitioner.
4. Be that as it may. The Petitioner has already filed a representation before the 2nd Respondent against the seniority list of Assistant Fisheries Officer. The State Government will consider and dispose off the representation of the Petitioner for grant of seniority to the Petitioner and Respondent No.4 in accordance with law.
5. The Respondent No. 2 shall finalize the representation of the Petitioner within a period of 'two months' from the date of receipt of a copy of this order and depending upon them, the Petitioner would be further be entitled to make claim in accordance with law. The Petitioner is at liberty to make additional representation, if any. The Petitioner is also at liberty to submit any additional submissions.
6. The writ petition stands disposed off accordingly.

Sd/-
(Sanjay K. Agrawal)
Judge