

HIGH COURT OF CHHATTISGARH, BILASPURWrit Petition (S) No.6246 of 2010

Rakesh Kumar, aged about 52 years, S/o Shri Ramji, President,
Chhattisgarh Class Three Government Employees Association,
District Branch, North Baster, Kanker (C.G.)

---- Petitioner

Versus

1. State of Chhattisgarh, Through Secretary, School Education Department, D.K.S. Bhawan, Raipur (C.G.)
2. The Secretary, Tribal Welfare Department, D.K.S. Bhawan, Raipur (C.G.)
3. The Director, Public Instructions, Chhattisgarh, Raipur (C.G.)
4. The Collector, North Baster, Kanker (C.G.)
5. District Education Officer, North Baster, Kanker (C.G.)
6. Assistant Commissioner, Tribal Welfare Department, North Baster, Kanker (C.G.)

---- Respondents

For Petitioner: Mr. D.N. Prajapati, Advocate.
For Respondents/State: Mr. Ravi Kumar Bhagat, Deputy Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

10/08/2021

1. Proceedings of this matter have been taken-up through video conferencing.
2. Mr. D.N. Prajapati, learned counsel appearing for the petitioner, would submit that the order of absorption passed by the official respondent vide Annexures P-4 & P-5 is contrary to the order Annexure P-1 and consequently, respondent No.4 be directed to issue fresh promotion list in the light of Annexure P-1.
3. Mr. Ravi Kumar Bhagat, learned State counsel, would support the

impugned order and would submit that without making the teachers, who have been absorbed in the Tribal Welfare Department, and who have already been promoted to the post of Head Master, Primary School and Upper Division Teacher, necessary party, the promoted persons order of promotion cannot be cancelled and the order of promotion and absorption has already been given effect to.

4. I have heard learned counsel for the parties and considered their rival submissions made herein-above and also went through the record with utmost circumspection.
5. The petitioner has pleaded that the orders Annexures P-4 & P-5 by which the order of absorption has been passed, are contrary to Annexure P-1, but the persons named in Annexures P-4 & P-5 have not been impleaded as party respondents in this writ petition. Similarly, the persons promoted vide Annexures P-9 & P-10 have also not been impleaded as party respondents. Therefore, the orders cannot be directed to be cancelled after lapse of eleven years and moreover, those orders have already been executed. As such, I do not find any merit in this writ petition. The writ petition is accordingly dismissed leaving the parties to bear their own cost(s).

Sd/-
(Sanjay K. Agrawal)
Judge