

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 1966 of 2021

Umashankar Tiwari S/o Late Shri Aakharam Tiwari Aged About 56 Years Working As Assistant Accountant, District Cooperative Central Bank, Branch Nawagarh, District Mungeli Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Cooperative Societies, Mahanadi Bhawan, Nava Raipur, District Raipur Chhattisgarh.
2. District Cooperative Central Bank Maryadit Bilaspur, Through Its Chief Executive Officer, District Cooperative Central Bank Maryadit, Bilaspur, Nehru Chowk, Bilaspur, District Bilaspur Chhattisgarh.
3. Chief Executive Officer District Cooperative Central Bank Maryadit, Bilaspur, Nehru Chowk, Bilaspur, District Bilaspur Chhattisgarh.

---- Respondents

For Petitioner	:	Mr. Gary Mukhopadhyay, Advocate
For State	:	Mr. Alok Buxy, Addl. Advocate General
For Respondents No. 2 & 3	:	Mr. Jitendra Shrivastava, Advocate on behalf of Mr. Prafull N. Bharat, Adv.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

08/04/2021

1. The grievance of the petitioner in the present writ petition is only to the extent of inaction on the part of the respondents in not opening the recommendation of the DPC pertaining to the petitioner in-respect-of the promotion from the post of Assistant Accountant to the post of Branch Manager.
2. According to the petitioner, the recommendation of the DPC has been placed in a seal cover in view of a departmental enquiry which was pending against the petitioner and the departmental enquiry now has got completed and the Enquiry Officer has submitted his report

exonerating the petitioner from the charges leveled against him. That the Enquiry report was submitted as early as in the year 2018, therefore it is presumed that the disciplinary authority has also accepted the verdict of the Enquiry Officer. In the said circumstances, the seal cover in-respect-of the DPC pertaining to the petitioner should be opened.

3. Accordingly, the writ petition at this juncture can be disposed off directing the respondents No. 2 & 3 to take immediate step in accordance with Rules governing the field so far as opening of seal cover pertaining to the recommendation made by the DPC held on 16.11.2017 dealing with the petitioner in-respect-of promotion from the post of Assistant Accountant to the post of Branch Manager is concerned. Let a decision be taken in this regard by the authorities at the earliest preferably within a period of 90 days from the date of receipt of copy of this order.
4. With the aforesaid observation, the writ petition accordingly stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

Ved