

HIGH COURT OF CHHATTISGARH, BILASPURWrit Petition (S) No.2690 of 2011

Sameer Sharma, S/o Shri R.N. Sharma, Aged about 45 years,
Occupation Incharge Executive Engineer (Civil), Public Health
Engineering Department, Sub Division Korba, Distt. Korba (C.G.)

---- Petitioner

Versus

1. State of Chhattisgarh, Through Secretary, Department of Public Health Engineering, Mantralaya, D.K.S. Bhawan, Raipur (C.G.)
 2. Engineer in Chief, Department of Public Health Engineering, Raipur, Distt. Raipur (C.G.)
 3. Secretary, Public Service Commission, Raipur, Distt. Raipur (C.G.)
- Respondents

Writ Petition (S) No.2693 of 2011

Kailash Madharia, S/o Shri A.R. Verma, Aged about 45 years,
Occupation Incharge Executive Engineer (Civil), Public Health
Engineering Department, Sub Division Kabirdham, Distt. Kabirdham
(C.G.)

---- Petitioner

Versus

1. State of Chhattisgarh, Through Secretary, Department of Public Health Engineering, Mantralaya, D.K.S. Bhawan, Raipur (C.G.)
 2. Engineer in Chief, Department of Public Health Engineering, Raipur, Distt. Raipur (C.G.)
 3. Secretary, Public Service Commission, Raipur, Distt. Raipur (C.G.)
- Respondents

ANDWrit Petition (S) No.2886 of 2011

Hari Singh Markam, S/o Lt. Shri Puhup Singh, Aged about 41 years,
Occupation Incharge Executive Engineer (Civil), Public Health
Engineering Department, Division Kanker, Distt. Kanker (C.G.)

---- Petitioner

Versus

1. State of Chhattisgarh, Department of Public Health Engineering, Mantralaya, D.K.S. Bhawan, Raipur (C.G.)
2. Engineer in Chief, Department of Public Health Engineering, Raipur, Distt. Raipur (C.G.)

3. Secretary, Public Service Commission, Raipur, Distt. Raipur (C.G.)
 ---- Respondents

 For Petitioners: Ms. Deepali Pandey, Advocate.
 For Respondents/State: Mr. Ravi Kumar Bhagat, Deputy Govt. Advocate.
 For PSC: Mr. Aman Saxena, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

06/07/2021

1. Proceedings of these matters have been taken-up through video conferencing.
2. Since all the three writ petitions arise out of the common order, they were clubbed and heard together and are being disposed of by this common order.
3. Ms. Deepali Pandey, learned counsel appearing for the petitioners, would submit that the petitioners have called in question the order dated 29-12-2010 by which the petitioners have not been considered for promotion on the post of Executive Engineer and they have been denied promotion, whereas one Jagdish Kumar has been illegally promoted. She would further submit that the petitioners ought to have been considered for promotion and they could have been promoted on the post of Executive Engineer, but their cases have not been considered which is violative of their right to be considered objectively and fairly on the promotional post of Executive Engineer, however, petitioners Sameer Sharma and Kailash Madharia have now been promoted by order dated 4-1-2013 on the post of Executive Engineer. She would also submit that the petitioners had already made representation for their consideration on 29-12-2010 itself which has not been considered and decided. Sameer Sharma – petitioner in

W.P.(S)No.2690/2011 belongs to unreserved category (General), Kailash Madharia – petitioner in W.P.(S)No.2693/2011 also belongs to unreserved category (General) and Hari Singh Markam – petitioner in W.P.(S)No.2886/2011 belongs to Schedule Tribe category.

4. Mr. Ravi Kumar Bhagat, learned State counsel, would submit that departmental promotion committee was duly constituted and the cases of eligible candidates have been considered and they have been promoted on the promotional post.
5. Be that as it may, since the petitioners have already been promoted on the post of Executive Engineer on 4-1-2013 and they had already made representation for their consideration on 29-12-2010, it would be appropriate to direct the State to consider the representation of the petitioners for their claim that they are entitled to be promoted with effect from 29-12-2010 – from the date when Jagdish Kumar was promoted on the post of Executive Engineer, in respective categories. It is ordered accordingly. The representation shall be decided within three months from the date of receipt of a copy of this order. However, the petitioners are at liberty to make additional representation to the respondents / State within next 15 days.
6. With the aforesaid observation and direction, the writ petitions stand finally disposed of. No order as to cost(s).

Sd/-
(Sanjay K. Agrawal)
Judge