

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 2590 of 2021**

1. Devnarayan Sharma, S/o Late Shri Lakhanlal Sharma, Aged About 64 Years Retired As Branch Manager, District Cooperative Central Bank, Main Branch, Bilaspur, District - Bilaspur 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 Hbank 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	: Shri Gary Mukhopadhyay , Advocate.
For State	: Shri Amrito das, Addl. A.G.
For Respondents No. 2 & 3	: the Shri Prafull N. Bharat Sr. Adv. along with Shri Jitendra Shrivastava Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****18.06.2021**

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 to the post of Additional Chief Accountant.
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. Learned counsel appearing for the respondents No. 2 & 3 however submits that it is a case where the petitioner on an earlier occasion was granted promotion to the post of Additional Chief Accountant, which was subsequently found out to be erroneously granted and the said promotion was subsequently recalled which was challenged by the petitioner before the different forums under the Corporative Societies Act uptill the stage of Tribunal. Thereafter, the matter has now come to the High Court vide WP(S) No. 5148/2020, therefore the present writ petition also needs to be connected with that case.
4. Perusal of the records would show that the aforesaid Writ Petition which the petitioner has preferred is in-respect-of altogether different cause of action and the present writ petition that he has filed is for promotion from the present post i.e. the petitioner is holding and therefore the out-come of the said writ petition would not have any bearing on opening of seal cover in-respect-of recommendation made by the DPC pertaining to the petitioner without expressing any opinion on the merit of the case taking into consideration the enquiry report submitted by the Enquiry Officer exonerating the petitioner from the allegations/charges that was leveled against him.
5. 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 to the post of Additional Chief Accountant is concerned. Since the petitioner stands retired on attaining the age of superannuation w.e.f. 30.09.2018 and an appropriate decision should be taken in-respect-of the benefit that can be extended to the petitioner on the date the DPC was convened i.e. on 16.11.2017. 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.

6. With the aforesaid observation, the writ petition accordingly stands disposed of.

Sd/-

P. Sam Koshy
Judge