

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 2565 of 2021**

Kishore Kumar Somawar S/o Late Vinayak Rao Somawar, Aged About 61 Years Posted As Assistant Food Officer, Rajnandgaon, District Rajnandgaon, Civil And Revenue District Rajnandgaon Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, Food Civil Supplies And Consumer Protection Department, Mahanadi Bhavan, Mantralaya, Atal Nagar, New Raipur Chhattisgarh
2. The Director, Food Civil Supplies And Consumer Protection Department, Indrawati Bhavan, New Raipur, Atal Nagar, District Raipur Chhattisgarh
3. The Food Officer, Rajnandgaon, District Rajnandgaon Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Manoj K. Sinha, Advocate
For State	:	Ms. Akanksha Jain, Dy. G.A.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****18/06/2021**

1. Aggrieved by the inaction on the part of the respondents in not holding a DPC (Departmental Promotion Committee) for last many years for promotion to the post of Food Officer from among the feeder cadre of Assistant Food Officer, the present writ petition has been filed.
2. According to the petitioner, he is the senior most person in the category to which he belongs. It is the further contention of the petitioner that he has already crossed 61 years of age and he is likely to retire within a few months and in case if the petitioner is not considered for promotion now, in all probabilities he will lose substantial benefit, which he would have otherwise received at the

time of retirement, in case if the Department would have consider filling up of the posts lying vacant from the feeder cadre promptly. The counsel for the petitioner submits that let an appropriate direction be issued to the respondents to take an appropriate decision for holding a DPC at the earliest, so that the interest of the petitioner in person as he is to retire soon and the larger interest of other similarly placed persons in the Department can also be protected.

3. State counsel on the other hand submits that the authorities concerned shall definitely take a decision for filling up of the promotional posts taking into consideration the administrative exigencies and also taking note of the availability of vacancies.
4. Given the said submission by the counsel for the parties, considering the fact that under the Promotion Rules of 2012 applicable in the State of Chhattisgarh, there is a provision which clearly stipulates that the respondents should consider holding of DPCs, if not regularly atleast once in year.
5. Considering the fact that the petitioner has crossed the age of 61 years and a very short tenure of service left for his retirement. It is anybodies dream to have reached at the higher post, which he is otherwise entitled and eligible for in terms of the Rules, and the same cannot be denied only on account of the non-holding of the DPC. The petitioner, an employee may not be having a right for being promoted, however an employee definitely has a right to be considered for promotion subject to his fulfilling the eligibility required. When the Rules governing the field envisages holding of DPCs regularly if not atleast once in a year, there is no reason why the authorities should sit over

the said Rules and deprive eligible candidates their right to be considered for promotion and in the process suffer substantial loss in the event of their crossing the age of superannuation on account of not holding of the DPC.

6. Given the factual backdrop as narrated in the preceding paragraphs, this Court is of the opinion that the writ petition at this juncture can be disposed of directing the respondents to consider the claim of the petitioner for promotion in accordance with [law](#) at the earliest particularly keeping in mind the date of retirement of the petitioner and try to redress the grievance of the petitioner.
7. With the aforesaid observations, the present writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

Ved