

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 3135 of 2021**

1. Dhannu Das Burde S/o Late Saroop Das Burde Aged About 47 Years Presently Working As Personal Assistant, Department Of General Administration, Mahanadi Bhawan, Atal Nagar, Nawa Raipur District Raipur Chhattisgarh
---- **Petitioner**

Versus

1. State Of Chhattisgarh Through The Secretary, General Administration Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, Nawa Raipur District Raipur Chhattisgarh
--- **Respondent**

WPS No. 3136 of 2021

1. Purushottam Koshta S/o Shri Gopal Prasad Aged About 47 Years Presently Working As Personal Assistant, Department Of General Administration, Mahanadi Bhawan, Atal Nagar, Nawa Raipur District Raipur Chhattisgarh
---- **Petitioner**

Versus

1. State Of Chhattisgarh Through The Secretary, General Administration Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, Nawa Raipur District Raipur Chhattisgarh
---- **Respondent**

WPS No. 3141 of 2021

1. Bhuvan Dekate S/o Rameshwar Dekate Aged About 47 Years Presently Working As Personal Assistant, Department Of General Administration, Mahanadi Bhawan, Atal Nagar, Nawa Raipur, District Raipur Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, General Administration Department Mantralaya, Mahanadi Bhawan, Atal Nagar Nawa Raipur, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
---- **Respondent**

WPS No. 3160 of 2021

1. Jagdish Narayan Koshta Son Of Late Shri P.N. Koshta Aged About 47 Years Presently Working As Personal Secretary, Department Of General Administration, Mahanadi Bhawan, Atal Nagar Nawa Raipur, District Raipur (Chhattisgarh)
---- **Petitioner**

Versus

1. State Of Chhattisgarh Through The Secretary, General Administration Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, Nawa Raipur, District Raipur (Chhattisgarh), District : Raipur, Chhattisgarh

---- Respondent

For Petitioner : Shri Shashank Thakur, Advocate.

For State : Shri Amrito Das, Addl. A.G., Shri Jitendra Pali, Dy. A.G.
and Ms. Sunita Jain, G.A.

Hon'ble Shri Justice P. Sam Koshy

Order On Board

01.07.2021

1. Since the issue raised in these writ petitions being identical, these writ petitions are being disposed of by a common order.
2. The grievance of the petitioners seems to be the non granting of promotional benefits after the gradation list was finalized by the State and the petitioners were granted bottom seniority in the general category of the respective cadre to which they belong.
3. The brief facts relevant for disposal of the present writ petition are that all the petitioners herein were employees who were initially appointed under the erstwhile State of Madhya Pradesh and had obtained employment on the basis of caste certificates that they had in their possession. Subsequently, on the creation of the State of Chhattisgarh, the petitioners were allocated to the State of Chhattisgarh and the dispute arose in respect of the veracity of caste status of the petitioners. The matter was inquired into by the State Level, High Power Caste Scrutiny Committee constituted by the State. The Committee after due enquiry found that the petitioners not belonging to the caste of which they had the certificates and had accordingly

cancelled the certificates.

4. These orders passed by the State Level High Power Caste Scrutiny Committee was subject to challenge before the High Court. The High Court affirmed the order passed by the High Level Caste Scrutiny Committee, however had ordered for protecting the employment that the petitioners had obtained.
5. The order of the signal Bench of this Court was further challenged before the Division Bench in a Writ Appeal and also before the Hon'ble Supreme Court in an SLP. Both of which were dismissed and as such the order of the signal Bench got affirmed. Subsequently, the respondents/State took a decision and passed an order on 07.07.2020 in-respect-of all the petitioners and granted them the protection of their services by treating them as candidates belonging to the general category and thereby the State Government also granted them the bottom seniority in the respective cadre to which they belong.
6. It is now thereafter that the present dispute has been raised by the petitioners contending that in the gradation list now which has been prepared by the State Government, there are candidates who are junior to the petitioners who have subsequently been considered for promotion thereby the claim of the petitioners has been turned down. The petitioners have also preferred a detailed representation to the respondents individually as also in groups of similarly placed persons, those representations have till date not been responded nor has any decision been taken by the Authorities concerned.
7. The contention of the petitioners further is that once when the State Government has given the petitioners the protection of their

employment and has granted them the bottom seniority in their respective cadres, then thereafter the petitioners would be entitled for all the benefits that would fall considering the seniority at which the petitioners have been placed. According to the Counsel for the petitioners, it can not be a case where the petitioners would be denied promotion all along.

8. The State Counsel on the other hand submits that since the order of the Court was only to protect the employment part which the respondents have accepted and have protected the petitioners' employment, the remaining claim of the petitioners would be only in accordance with law that governs the field including that of the promotion and other benefits. The State Counsel further submits that since the representations of the petitioners are pending, the State Authorities shall take a decision on those representations in accordance with law at the earliest.
9. Given the entire facts and circumstances of the case, particularly taking note of the fact that the petitioners' services have been protected and also they have been granted a particular position in the gradation list by the respondents themselves, let the respondents consider aforesaid facts and take a decision on the representations at the earliest preferably within a period of 90 days from the date of receipt of copy of this order.
10. The writ petition accordingly stands disposed of.

Sd/-

P. Sam Koshy
Judge