

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No.3011 of 2013**

G.S. Prashant S/o Late Sita Ram Mahto, Aged about 69 years, R/o A-1, Rajiv Nagar, Raipur (CG), Police Station-Pandri, Civil and Revenue Area-Raipur (CG)

-----Petitioner

Versus

1. State of Chhattisgarh, through the Secretary, Department of Energy Mahanadi Bhawan, Naya Raipur, Raipur (CG)
2. The Managing Director, Chhattisgarh State Power Holding Company Limited, Danganiya, Raipur, (CG) Police Station-City Kotwali Raipur
3. The General Manager, Chhattisgarh State Power Holding Company Limited, Danganiya, Raipur (CG) Police Station-City Kotwali Raipur

----- Respondents

For Petitioner : Mr.Vaibhav A.Goverdhan, Advocate
 For Respondent No.1: Mr.Animesh Tiwari, Dy.A.G.
 For Res.No.2 and 3 : Mr.Anumeh Shrivastava, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

17/9/2021

1. The petitioner herein calls in question the order dated 22.4.2013 (Annexure P-1) passed by respondent No.3 by which representation for grant of promotion w.e.f. 6.7.1995 has been rejected and claimed notional promotion on the post of Superintending Engineer w.e.f. 6.7.1995 and also claimed notional promotion on the post of Additional Chief Engineer w.e.f. 29.9.2001 with all consequential benefits.
2. Mr.Vaibhav A. Goverdhan, learned counsel for the petitioner, would submit that though the petitioner was

promoted on the post of Superintending Engineer on 7.8.99 after having been absolved from the departmental proceedings on 27.3.1998, therefore, he was entitled to be promoted on the post of Superintending Engineer w.e.f. 6.7.1995, which has not been considered and by unreasoned and non-speaking order it has been rejected and his case for the post of Additional Chief Engineer w.e.f. 29.9.2001 has also not been considered.

3. Mr. Anumeh Shrivastava, learned counsel for respondents No.2 and 3, would submit that if fresh representations are made by the petitioner, that will be considered by the respondents authorities in accordance with law.
4. I have heard learned counsel for the parties and considered their rival submissions made hereinabove also went through the records with utmost circumspection.
5. A careful perusal of the impugned order dated 22.4.2013 (Annexure P-1) would show that the petitioner's representation has been rejected without considering his submissions with factual backdrop of the case before rejecting his representation, whereas the petitioner's representation ought to have been considered and decided by reasoned and speaking order as the petitioner is entitled to know on what ground his representation has been rejected, whether his representation has been considered in accordance with law and ground for rejection, if any, so he can question the same in the course of law.

6. Accordingly, the impugned order dated 22.4.2013 (Annexure P-1) passed by respondent No.3 is hereby quashed. The matter is remitted to respondent No.3 to consider afresh the petitioner case for retrospective promotion on the post of Superintending Engineer and the Additional Chief Engineer strictly in accordance with law. The petitioner is at liberty to make a fresh representation before the respondent-Board within a period of four weeks from today and the same shall be considered and decided by the respondent-Board strictly in accordance with law within a period of 10 weeks from the date of receipt of representation. It is made clear that this Court has not expressed any opinion on merits of the case and it is open for the respondent-Board to consider the petitioner's representation on its own merit.
7. The writ petition is allowed to the extent indicated hereinabove. No order as to cost(s).

Sd/-

(Sanjay K.Agrawal)
Judge

B/-