

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 3302 of 2021**

1. N. W. Henry S/o Shri J. Henry Parte Aged About 54 Years Occupation Service (Additional Chief Engineer) C.S.P.D.C.L. Chhattisgarh. Resident Of Shanti Residency, Near Ganga Diagnostic, Lalpur, District Raipur Chhattisgarh.

---- Petitioner

Versus

1. C S P H C L (Chhattisgarh State Power Holding Company Limited) Through Its Chairman Daganiya, Doongaji Colony Raipur, Chhattisgarh.
2. Chhattisgarh State Power Distribution Company Limited Through Its Chairman, C.S. Power Companies Campus, Daganiya Raipur, Chhattisgarh.
3. The General Manager (Hr) Chhattisgarh State Power Holding Company Limited, Daganiya, Doongaji Colony Raipur, Chhattisgarh.

----Respondents

For Petitioner : Shri Rajeev Shrivastava, Sr. Advocate along with
Ms. Isha jajodia, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order On Board

06.07.2021

1. The petitioner seems to be aggrieved by the recent promotion orders issued by the respondents on 30.03.2021 (Annexure P/11) whereby the persons junior to the petitioner have been promoted and granted charge of the post of Chief Engineer.
2. The brief facts relevant for disposal of the present writ petition are that the petitioner was working under the respondents on the post of Executive Engineer since 25.01.2005 and he was promoted to the said post from the post of Assistant Engineer. Subsequently, the petitioner got promoted in due course of time to the post of Superintendent

Engineer in the year 2010 and finally he was again promoted to the post of Additional Chief Engineer on 28.09.2013. The next promotion for the petitioner was to the post of Chief Engineer and for which a DPC also was convened on 05.11.2019. The petitioner since he came under the zone of consideration, was considered for the promotional post, however on account of pendency of a departmental enquiry, the recommendation of the DPC was kept in a sealed cover. The said would be evident from Annexure P/9 dated 08.11.2019 when others who were recommended for promotion to the post of Chief Engineer and the orders were issued to this effect.

3. The Departmental enquiry which the petitioner was facing finally got concluded vide order dated 28.11.2020 (Annexure P/9) and the petitioner was exonerated from all the charges. That since the petitioner stands fully exonerated from the departmental enquiry, the respondents were supposed to open the sealed cover in-respect-of the DPC recommendation made on 05.11.2019. On the basis of recommendation and also in the light of the outcome of the departmental enquiry, appropriate order should have been passed granting promotion to the petitioner if there was no other impediment. This the respondents did not act on and at the same time a fresh DPC was convened on 22.03.2021 wherein ignoring the claim of the petitioner, the respondents have further recommenced other Additional Chief Engineers and promoted them to the post of Chief Engineer and the petitioner is still discharging the duty of the Additional Chief Engineer in-spite of being fully eligible for promotion and also there being recommendation by the DPC on 05.11.2019.

4. Given the aforesaid factual matrix of the case and also taking note of the order dated 28.11.2020 whereby the petitioner stands completely exonerated from the disciplinary proceedings, the respondent-authorities ought to have promptly acted upon the consequences which the petitioner would be entitled for in the context of his getting exonerated from the disciplinary proceedings.
5. The writ petition at this juncture for this limited purpose is disposed of directing the respondents to take an appropriate decision at the earliest in opening the sealed cover pertaining to petitioner from the DPC that was convened on 05.11.2019, and if the petitioner has been recommended for promotion, let appropriate orders be also issued in this regard. The respondent-authorities are expected to take a decision at the earliest preferably within a period of 60 days from the date of the receipt of copy of this order.
6. Since the writ petition is being disposed of at the admission stage, it shall be the responsibility of the petitioner to apprise the respondents so far as the order passed by this Court is concerned.
7. With the aforesaid observations, Writ Petition stands disposed of.

Sd/-

P. Sam Koshy
Judge