

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No. 3787 of 2021

1. Dinesh Kumar Behra S/o. Shri Bharat Lal Behra Aged About 25 Years Presently Working As Assistant Grade - III, O/o. Sub-Divisional Officer, Rural Engineering Service, Sub-Division Dharamjaigarh, Distt. Raigarh (Chhattisgarh).
2. Sameer Pradhan S/o. Shri Shyamlal Pradhan Aged About 34 Years Presently Working As Assistant Grade-III O/o. Sub-Divisional Officer, Rural Engineering Service, Sub-Division Pusaur, Distt. Raigarh (Chhattisgarh).

---Petitioner(s)

Versus

1. State of Chhattisgarh Through The Secretary, Department of Panchayat And Rural Development, Mantralaya, Mahanadi Bhawan, Nawa Raipur (Chhattisgarh)
2. Engineer-In-Chief Rural Engineering Service, Vikas Bhawan, Civil Lines, Raipur (Chhattisgarh)

---Respondents

For Petitioners	:	Shri N Naha Roy, Advocate.
For Respondents	:	Smt. Binu Sharma, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

26.07.2021

1. The petitioners seem to be aggrieved by the action on the part of the respondents in initiating promotion process for filling up of the post of Assistant Grade-II under the respondents.
2. The factual matrix of the case undisputed from the pleadings seems to be the appointment of the two petitioners on the post of Assistant Grade-III vide orders dated 28.11.2015 and 01.05.2015. The petitioners were initially placed on probation for a period of two years, however, thereafter there does not seem to be a formal order of confirmation issued so far as petitioners are concerned. In between under the respondents department two promotion processes have been initiated for filling up of the post of Assistant Grade-II and persons junior to the petitioners have been brought

within the zone of consideration ignoring the claim of the petitioners though they have been appointed earlier.

3. Perusal of records and pleadings go to show that the services of the petitioners have not been confirmed till date inspite of having put in more than six years of unblemished continuous service. Recently, vide Annexure P/1 & P/2 dated 21.01.2021 and 05.04.2021 there have been recommendations made by the Superintendent Engineer under whom the petitioners have been working recommending confirmation of the petitioners in service, however, though more than six months time have lapsed, no further progress have been made pursuant to Annexures P/1 and P/2.
4. Given the said facts, it appears that the petitioners have been left out from the zone of consideration only on account of non confirmation of their services. In view of the aforesaid factual backdrop as it stands, this court is of the opinion that it is necessary for the respondents to atleast issue a formal order of confirmation keeping in view Annexures P/1 & P/2 so far as petitioners are concerned and the respondent authorities need to consider confirming the petitioners immediately on completion of probation period for which they were initially appointed subject to verification of the service records of the petitioners during the said period.
5. As regards the claim of the petitioners for being brought in the zone of consideration for promotion to the next post of Assistant Grade-II, it also would depend upon the order of confirmation which needs to be passed by the respondents.
6. Accordingly, the writ petition at this juncture stands disposed of directing the respondents to take appropriate decision on the claim of the petitioners so far as confirmation in service is concerned keeping in view the

recommendations Annexures P/1 & P/2 and the respondent authorities shall also consider and decide the claim of the petitioners to be confirmed subject to scrutiny of the service records from the date of completion of probation period. Thereafter, the petitioners be granted due weightage of seniority from the date of appointment at par with their immediate juniors, for all practical purposes including the claim of the petitioners for promotion as mentioned earlier at par with their immediate juniors. Let appropriate decision in this regard be taken by the respondents at the earliest preferably within a period of 45 days from the date of receipt of copy of this order. It shall be the responsibility of the petitioners to apprise the respondents so far as order passed by this court is concerned.

7. The writ petition accordingly stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

inder