

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No. 4145 of 2021

1. Shatrughan Yadav S/o Late Mr. Nohru Ram Yadav Aged About 51 Years Post Assistant Grade - 3, Posted At Office Of Assistant Commissioner, Tribal Kanker, District Uttar Bastar Kanker Chhattisgarh.

---Petitioner(s)

Versus

1. State Of Chhattisgarh Through Its Secretary Department Of Tribal Welfare Mantralay Naya Raipur, District Raipur Chhattisgarh.
2. The Collector (Tribal Welfare Branch) District Uttar Bastar Kanker Chhattisgarh., District : Kanker, Chhattisgarh
3. Vijendra Pal Singh Chouhan Assistant Grade 2 Posted At Chief Executive Officer Janpad Panchayat Kanker District U.B. Kanker.
4. Jitendra Kumar Dewangan Assistant Grade -2 Posted Chief Executive Officer, Janpad Panchayat Bhanupratappur District U.B. Kanker.
5. Pawan Kumar Banjare Assistant Grade - 2 Posted At Assistant Commissioner, Tribal Welfare Kanker Chhattisgarh.
6. Smt. Neetu Dongre Assistant Grade 2, Post At Project Administrator A.A. Vi. Pari. Bhanupratppur, District U.B. Kanker.
7. Dharmendra Ravte Assistant Grade - 2 Posted At Assistant Commissioner Tribal Welfare Kanker Chhattisgarh., District : Kanker, Chhattisgarh
8. Chaitram Usare Assistant Grade - 2 Posted At Project Administrator A.A. Vi. Pari, Bhanupratappur, District U.B Kanker Chhattisgarh.

---Respondents

For Petitioner	:	Smt. Bhavika Kotecha, Advocate.
For State	:	Shri Amrito Das, Addl. Advocate General.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

10.08.2021

1. The grievance of the petitioner seems to be promotion order dated 20.07.2021 issued by the respondents whereby the private respondents who are juniors to the petitioner on the post of Assistant Grade-III have been promoted as Assistant Grade-II.
2. According to the petitioner, the gradation list inforce would clearly show that the petitioner is senior to the private respondents yet ignoring the claim of the petitioner, the private respondents have been promoted. It is further contention of the petitioner that as on date when the promotion order was issued there was no disciplinary enquiry or punishment order in

operation against the petitioner which could have prevented the petitioner from being considered for promotion. It is further contention of the petitioner that even if he was facing disciplinary enquiry even then the case of the petitioner should have been placed under sealed cover.

3. Given the aforesaid facts and circumstances of the case, let the petitioner make a detailed representation/objection before the respondents No.1&2 who in turn shall duly consider the claim of the petitioner for promotion at par with his immediate juniors and take an appropriate decision on the representation/objection at the earliest preferably within a period of 90 days from the date the petitioner submits his representation. It is expected that the petitioner shall make a fresh representation within an outer limit of three weeks from the date of receipt of copy of this order.
4. With the aforesaid observations, the writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

inder