

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 4170 of 2021

1. Umakant Shukla S/o Late Shri Sunder Lal Shukla Aged About 61 Years R/o Kududand Milan Chowk, Bilaspur Police Station Civil Line, Tahsil And District Bilaspur Chhattisgarh.
2. Girija Shankar Shukla S/o Late Shri H.N. Shukla Aged About 57 Years R/o Namnakala Ambikapur, Police Station Station Gandhi Nagar, Tahsil And District Sarguja Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through Its Secretary, Department Of Exciswe , Mantralaya , Mahanadi Bhawan, Police Station And Post Rakhi, Atal Nagar, New Raipur , District Raipur Chhattisgarh
2. The Additional Commissioner Office Of The Additional Commissioner, Department Of Excise Raipur , District Raipur Chhattisgarh.
3. Santosh Kumar Dubey Head Constable , Department Of Excise , Office Of The Deputy Commissioner, Raipur , District Raipur Chhattisgarh.
4. Uttam Singh Nag Head Constable , Department Of Excise , Office Of The District Excise Officer, District Bastar Jagdalpur Chhattisgarh., District : Bastar(Jagdalpur), Chhattisgarh
5. Ram Vilash Netam Head Constable, Department Of Excise , Office Of The District Excise Officer, Kanker , District North Bastar Kanker Chhattisgarh.

--- Respondents

For Petitioner	: Shri Abhishek Pandey, Advocate
For State	: Shri Jitendra Pali, Dy. A.G.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

11/08/2021

1. Aggrieved by the promotion order dated 28.07.2021, the present writ petition has been filed. Vide the impugned order, the private respondents have been promoted to the post of Excise Head Constable.
2. According to the counsel for the petitioners, in the gradation list, the names of the petitioners are placed over and above of the

respondents No. 3 & 5 in the cadre of constable. However, ignoring the claim of the petitioners for promotion, the respondents No. 3 & 5 have been considered and promoted ahead of the petitioners.

3. It is the further contention of the petitioners that there was no adverse communication or any departmental enquiry or any such disqualification available on account of which this promotion could have been deferred.
4. Taking into consideration the contentions putforth by the petitioner and also considering the fact that the order of promotion has been issued only on 28.07.2021 i.e. less than a month's time. Let the petitioner move an appropriate representation before the respondent no. 1 & 2 supported with all relevant documents/records in support of their contentions and claim. The respondents No. 1 & 2 inturn shall consider and decide the representation / objection so far as the promotion order dated 28.07.2021 is concerned at the earliest preferably within a period of 90 days from the date of receipt of copy of this order.
5. In case if the respondents find the petitioner eligible and competent then consequential order should be passed protecting the interest of the petitioner for the respondents No. 3 & 5 who were promoted on 28.07.2021.
6. The writ petition accordingly stands disposed of.

**Sd/-
(P. Sam Koshy)
Judge**