

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 4260 of 2021**

Om Prakash Chandel S/o Late Shri Pyarelal Chandel, Aged About 60 Years, Office Of Engineer In Chief Water Resources Department, Shivnath Bhawan, Atal Nagar, Nava Raipur, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through- Additional Chief Secretary, Water Resources Department, Mahanadi Bhawan, Naya Raipur, District- Raipur, Chhattisgarh
2. State Of Chhattisgarh, Through- Secretary, Water Resources Department, Mahanadi Bhawan, Naya Raipur, District- Raipur, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Vikram Kumar Dixit, Advocate
For State	:	Ms. Sunita Jain, Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****16.08.2021**

1. The limited relief that the petitioner seeks in the present writ petition is for an appropriate direction to the respondents to consider and decide the representation that he has made.
2. The representation which the petitioner has made is for considering his claim for promotion to the next higher post from the post of Executive Engineer in the light of the circular dated 30.06.1994 wherein it is said that in the event of any criminal case pending against any of the officers who is entitled for promotion and the

criminal case remains pending for more than 2 years, the delinquent employee should thereafter be considered for grant of promotion subject to the outcome of the criminal case.

3. State counsel, however, submits that since the petitioner is facing a criminal case for the offence punishable under the provisions of Prevention of Corruption Act and the fact that the criminal case is still pending, it would not be appropriate at this juncture to permit the petitioner to be promoted. State counsel also submits that the petitioner was initially suspended, however, because of the long pendency of the criminal case, the department subsequently revoked the order of suspension and took the petitioner back in service vide order dated 09.07.2019.
4. Be that as it may, since the facts in the instant case are not disputed to the extent that the petitioner substantively is holding the post of Executive Engineer. The petitioner is facing a criminal case for the offence punishable under the Prevention of Corruption Act and the criminal case initiated against the petitioner is now pending adjudication for more than 2 years. Moreover, the petitioner has already made a representation to the authorities based on the circular of the erstwhile State of Madhya Pradesh dated 30.06.1994, the writ petition therefore at this juncture stands disposed of directing the respondents 1 & 2 to take an appropriate decision on the claim of petitioner in accordance with the rules and regulations and the procedure applicable in the State of Chhattisgarh particularly keeping in view the circular of the State Govt. dated 30.06.1994 (Annexure P-5). Let a decision in this regard be taken at the earliest preferably within a period of 90 days from the date of receipt of a copy of this

order.

5. The writ petition accordingly stands disposed of.

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

Khatai