

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 4279 of 2021**

Shashank Shekhar Dubey S/o Late Shankar Prasad Dubey Aged About 57 Years R/o F- 16, Rama Life City , Sakri, Bilaspur Tahsil And District Bilaspur Chhattisgarh.

---- **Petitioner**

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Cooperative , Mahanadi Mantralaya , Naya Raipur , Atal Nagar, Post Office And Police Station Naya Raipur , Atal Nagar , District Raipur Chhattisgarh.
2. Zila Shakari Kendriya Bank Maryadit Bilaspur Through The Chief Executive Officer, Zila Shakari Kendriya Bank Maryadit , Near Nehru Chowk, Bilaspur Chhattisgarh.
3. Chief Executive Officer Zila Shakari Kendriya Bank Maryadit , Near Nehru Chowk, Bilaspur Chhattisgarh.
4. Staff Sub Committee Zila Shakari Kendriya Bank Maryadit , Near Nehru Chowk, Bilaspur Chhattisgarh.

----**Respondents**

For Petitioner	:	Mr. Gary Mukhopadhyay, Advocate
For State	:	Mr. Amrito Das, Additional A.G.
For Respondents No. 2 to 4	:	Mr. Prafull N. Bharat, Advocate along with Mr. Jitendra Shrivastava, Advocate

Hon'ble Shri Justice P. Sam Koshy

Order on Board

17/08/2021

1. The present writ petition has been filed against the order dated 23.07.2021, whereby the representation of the petitioner has been rejected.
2. The representation of the petitioner was claiming for promotion to the post of Additional Chief Supervisor. The representation was made on the basis of a D.P.C. that was convened in the year 2017. In the said D.P.C., the case of the petitioner was considered and kept in a sealed cover on account of the pending departmental enquiry. In the

departmental enquiry however he has since been exonerated of all the charges leveled against him.

3. This led the petitioner to approach this Court vide WPS No. 829/2021 and this Court disposed of the writ petition directing the respondents to consider the representation in the light of his being exonerated in the departmental enquiry. It is this representation which now stands rejected vide the impugned order dated 23.07.2021 which is under challenge in this petition. The rejection has been on the ground that the petitioner seems to be involved in a criminal case for the offences punishable under Sections 120B, 201, 406, 408, 409, 420, 467, 468, 471 & 477A of Indian Penal Code. Learned counsel for the petitioner however submits that the CBI has since submitted its final report and the petitioner seems to have not been made an accused.
4. Learned counsel appearing for the respondents however submits that the petitioner was initially made an accused, but as of now the respondent-Bank does not know whether the petitioner has been discharged of the criminal case by the concerned Court or whether he has been named as an accused in the said criminal case or not.
5. The learned counsel for the petitioner submits that since he is not an accused, the authorities ought to have considered his claim for promotion after the opening of the sealed cover where the DPC has found him fit and suitable for promotion.
6. Given the fact that the respondent-Bank do not have conclusive documentary proof of the petitioner having being discharged in the criminal case or has not been made an accused in the criminal case, the writ petition at this juncture stands disposed of permitting the

petitioner to produce relevant documents in this regard before the respondents No.2 to 4 and the respondents No. 2 to 4 in turn shall consider those documents ascertaining whether the petitioner stands discharged in the said criminal case if at all he was an accused, and whether he still is an accused in the said criminal case or not. The respondents thereafter should take an appropriate decision on the request of the petitioner for taking an appropriate decision in the light of the recommendations made by the DPC, which was earlier kept in the sealed cover and has since been opened and where the petitioner has been found eligible for promotion.

7. Subject to the petitioner producing necessary proof of his not being an accused and he having been discharged in the criminal case if he was an accused, the respondents No.2 to 4 shall take an appropriate decision on the claim of the petitioner at the earliest preferably within a period of 60 days from the date the petitioner submits the proof along with his representation.
8. With the aforesaid observations, the present writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge