

NAFR

**HIGH COURT OF CHHATTISGARH AT BILASPUR**

**WPS No. 4516 of 2021**

Shakti Pawan Pandey S/o Mithilesh Kumar Pandey Aged About 36 Years  
R/o Shitla Ward, Kailash Mode, Ambikapur, District Surguja Chhattisgarh

**---- Petitioner**

**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Urban Administration And Development Mantralaya, Mahanadi Bhawan, Atal Nagar, District Raipur Chhattisgarh
2. Director Directorate Of Urban Administration And Development Indrawati Bhawan, Raipur, District Raipur Chhattisgarh
3. Collector Ambikapur, District Surguja Chhattisgarh
4. Commissioner Municipal Corporation, Ambikapur, District Surguja Chhattisgarh
5. Joint Director Urban Administration And Development Regional Office, Ambikapur, District Surguja Chhattisgarh
6. Executive Engineer Municipal Corporation, Ambikapur District Surguja Chhattisgarh

**---- Respondents**

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| For Petitioner | : | Mr. Kishore Narayan, Advocate. |
| For State      | : | Mr. Amrito Das, Addl. AG       |

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**Hon'ble Shri Justice P. Sam Koshy**

**Order on Board**

**26/08/2021**

1. The present writ petition has been filed aggrieved of the Annexure P-5 and a note sheet that was initiated at the behest of the Municipal Corporation, Ambikapur dated 10.02.2021 whereby the recommendation of the DPC recommending the petitioner for promotion from the post of Sanitary Supervisor to the post of Sanitary Inspector has been turned down by the Corporation relying upon a circular of the State government dated

17.09.2019. Vide the circular dated 17.09.2019 the State Government in the light of the matter pending before the High Court of Chhattisgarh before the Division Bench, where the reservation policy of the State Government itself was challenged which held that wherever promotion process for a single post is initiated, whereby the reservation has to be applied, all those promotion process have to be deferred till the outcome of the writ petition. Applying the said circular the case of the petitioner also has been deferred and placed under circulation vided the impugned note sheet.

2. Today when the matter is taken up, learned counsel for the petitioner drew the attention of this Court to Annexure P-7 that is yet another order from the General Administration Department, Government of Chhattisgarh dated 30.10.2019 whereby they had canceled the earlier order/circular dated 17.09.2019. Referring to the aforesaid order dated 30.10.2019 the learned counsel for the petitioner submits that the order of the Municipal Corporation deferring the promotion process and recommendation of the DPC in respect of the petitioner's promotion from the post of Sanitary Supervisor to the post of Sanitary Inspector is bad in law for the reason that circular/order dated 17.09.2019 was no longer in existence beyond 30.10.2019 and any decisions taken relying upon the circular dated 17.09.2019 would be null and void therefore, it would have to be reconsidered and recalled for.
3. This aspect that circular dated 17.09.2019 has been recalled and stands canceled vide Annexure P-7 dated 30.10.2019 has also been accepted by the learned Additional AG appearing for the State.
4. Given the fact that circular dated 17.09.2019 is no longer in existence and also was not in existence when the impugned note sheet Annexure P-5

dated 10.02.2021 was passed. The decision taken relying upon the said circular therefore becomes null and void and the same requires to be reconsidered.

5. Given the aforesaid facts, the impugned note sheet Annexure P-5 only so far as decision pertaining to the petitioner's promotion would not be therefore sustainable and same deserves to be and is accordingly set aside remitting the matter back to the respondent no.4 to take a fresh decision on the claim of the petitioner for promotion from the post of Sanitary Supervisor to the post of Sanitary Inspector keeping in view the recommendations made by the DPC.
6. Respondent no.4 is also further directed to keep in mind the fact that as per the set up for the Municipal Corporation, there are two post of Sanitary Inspector, one to be filled up by way of direct recruitment and other to be filled up by way of promotion. The petitioner is claiming by way of promotion.
7. Let a fresh decision be taken by the respondent no.4 at the earliest preferably within 90 days from the date of receipt of copy of this order.
8. With the aforesaid observations, the present writ petition stands disposed off.

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

Rohit