

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 4865 of 2020**

Alok Chandra Baiswade S/o Dharmesh Chandra Baiswade, Aged About 30 Years, Posted As Assistant Director (Survey), At Office Of Town And Country Planning, Dantewada, R/o Near Mahamaya ITI Khamtarai, Bilaspur, District Bilaspur, Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Its Secretary Department Of Housing And Environment, Mantralaya, Mahanadi Bhawan, Atal Nagar, Naya Raipur, District Raipur Chhattisgarh
2. Commissioner Cum Director, Town And Country Planning 3rd Floor, Indrawati Bhawan, Atal Nagar, Naya Raipur, District Raipur Chhattisgarh
3. Narayan Singh Thakur, Assistant Director (Survey), Town And Country Planning, Regional Office Ambikapur, District Sarguja, Chhattisgarh
4. Ms. Kritika Sinha, Assistant Director (Survey), Directorate, Town And Country Planning, Naya Raipur, District Raipur Chhattisgarh
5. Ms. Lalita Dhruve, Assistant Director (Survey), Town And Country Planning , Regional Office Dhamtari, District Dhamtari, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Ishan Verma, Advocate
For State	:	Ms. Akankshya Jain, Dy. Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****05.01.2021**

1. The grievance of the petitioner in the present writ petition is the exclusion of the petitioner from the zone of consideration for promotion from the post of Assistant Director (Survey) to Deputy Director (Survey).

2. The first contention of the petitioner is that though he has not completed the minimum 5 years of service required for promotion to the post of Deputy Director (Survey) but the circular of the State Govt. says that an officer who has worked in a scheduled area for a period of 4 years would get the advantage of consideration for promotion even if he has not completed 5 years of service. The second contention of the petitioner is that the private respondents in the instant case have not worked in a scheduled area for a period of 4 years by which they can get relaxation and the private respondents at the same time have also not completed 5 years of service which is otherwise required for being considered for promotion.
3. State counsel, on instruction, submits that the petitioner could not get the advantage of relaxation for the reason that when the proposal for convening DPC was made on 19.06.2020, the petitioner on that date had not completed 4 years of service required for getting the advantage for being considered for promotion.
4. Perusal of the pleadings would show that the petitioner was appointed on the post of Assistant Director (Survey) on 09.08.2016 and as such he completed 4 years of service only on 09.08.2020 whereas the proposal for promotion was sent on 19.06.2020 when admittedly the petitioner had not completed 4 years of service. Given the said facts, the petitioner has not made out a case for being considered for promotion from the post of Assistant Director (Survey) to the post of Deputy Director (Survey).
5. As regards the contention of the petitioner that the private respondents do not fulfill the minimum required experience of 5 years for being

considered for promotion to the post of Deputy Director (Survey), it is expected and directed that the DPC when convened shall adhere to the rules and regulations and also the circulars governing the field so far as the minimum eligibility criteria required for promotion from Assistant Director to Deputy Director (Survey) is concerned which includes taking into consideration the minimum length of service rendered by the private respondents required for promotion under the rules.

6. The writ petition thus being devoid of merits deserves to be and is accordingly dismissed with the aforementioned observation and directions.
7. However, any representation of the petitioner that is pending be also considered by the respondents on its own merits.

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