

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 5253 of 2020**

1. Parmanand Sai, S/o Shri Ratan Sai, Aged About 61 Years Working As Chief Engineer Bilaspur, Public Works Department, District Bilaspur Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh, Through The Secretary, Public Works Department, Mahanadi Bhawan, Nawa Raipur, District Raipur Chhattisgarh.
2. Chhattisgarh Public Service Commission, Through The Secretary, Shankar Nagar, Raipur, District Raipur, Chhattisgarh.
3. The Under Secretary, Public Works Department, Mahanadi Bhawan, Nawa Raipur District Raipur Chhattisgarh.

---- Respondents

For Petitioner	:	Mr. Shantam Awasthi, Advocate
For State	:	Mr. Amit Bakshi, P.L.
For Respondent-PSC	:	Mr. Anand Mohan Tiwari, Advocate.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****15.01.2021**

1. The grievance of the petitioner in the present writ petition is only to the extent of the respondents in not taking any action so far as holding of a review DPC in-respect-of a DPC that was held in the year 2010 for promotion from the post of Superintendent Engineer to the post of Chief Engineer.
2. The fact of the case is that the petitioner is directly appointed as an Assistant Engineer in the year 1985. While working as an Assistant Engineer, the petitioner was subjected to a disciplinary proceeding

which finally resulted in his exoneration in the year 2012. In between considerable promotions took place from the post of Assistant Engineer to Executive Engineer, Executive Engineer to Superintendent Engineer and Superintendent Engineer to Chief Engineer in the years 2003, 2007 and 2010 respectively. During all these promotions process, the case of the petitioner was not considered or was kept under circulation or in sealed cover on account of on going disciplinary proceedings against the petitioner and also on account of non availability of ACR of the petitioner.

3. It is said in the year 2012; the petitioner was exonerated from all the charges in the disciplinary proceedings. Subsequently on exoneration of the petitioner, the Department conducted two review DPC, first in the year 2014 for considering the claim of the petitioner for promotion to the post of Executive Engineer from the Assistant Engineer. The review DPC allowed the claim of the petitioner promoted him as Executive Engineer with effect from the date his immediate junior was promoted in the year 2003. Subsequently, another review DPC was convened in the year 2016 for considering the case of the petitioner for further promotion from the post of Executive Engineer to the post of Superintendent Engineer, this again was allowed and the Petitioner was granted promotion as Superintendent Engineer from a back date i.e. from the year 2007 when the other junior to the petitioner were promoted. Since then, the Petitioner was discharging the duty as a Superintendent Engineer and subsequently, the petitioner has been promoted on the post of Chief Engineer in the year 2020.

4. The grievance of the Petitioner now is that when the petitioner was

granted promotion on the post of Executive Engineer as also on the post of Superintendent Engineer by way of two review DPC and both the reviews were convened on the basis of exoneration that the petitioner got the disciplinary proceedings, the Petitioner also ought to had been considered for further promotion to the post of Chief Engineer from the date his immediate junior was promoted or in-respect-of the DPC that was convened in the year 2010 when the case of the petitioner was not considered on account of pending disciplinary proceedings.

5. Given the aforesaid factual matrix of the case, this Court at this juncture would like to dispose of the writ petition directing the petitioner to approach the respondents No. 1 & 2 by moving a fresh representation in-respect-of his claim for promotion to the post of Chief Engineer from the date his immediate junior was considered way back in the year 2010. On such representation being made, the respondents No. 1 & 2 are expected to decide the representation taking into consideration the aforesaid factual matrix of the case and also the contentions that the petitioner shall raise in his representation at the earliest preferably within a period of 90 days from the date of receipt of copy of this order.
6. The writ petition accordingly stands disposed of.

Sd/-

P. Sam Koshy
Judge