

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 6127 of 2021**

- Ajit Kumar Tigga S/o Shri C. Tigga Aged About 56 Years Executive Engineer, Presently Posted At Nagar Palika, Champa, District- Janjgir- Champa, Chhattisgarh, **---- Petitioner**

Versus

1. State Of Chhattisgarh Through Its Secretary, Department Of Urban Administration And Development, Mantralaya, Mahanadi Bhawan, Naya Raipur, District- Raipur, Chhattisgarh,
2. Director, Directorate Of Urban Administration And Development, Indrawati Bhawan, Atal Nagar, Naya Raipur, District- Raipur, Chhattisgarh, **---- Respondents**

For Petitioner	:Shri Neeraj Choubey, Advocate.
For Respondents/State	:Shri Lalit Jangde, Deputy Govt. Advocate on advance copy

Hon'ble Shri Justice Sanjay S. Agrawal**Order on Board****09.11.2021**

1. Grievance of the Petitioner in the present Writ Petition is the inaction on the part of the Respondents in not convening the Departmental Promotion Committee (DPC) for filling up of the post of Superintending Engineer from among the feeder cadre of the Executive Engineer.
2. Learned counsel for the Petitioner submits that the Petitioner is working on the substantive post of Executive Engineer, which is the feeder cadre post for the Superintending Engineer and the Petitioner has completed more than five years of services as Executive Engineer and he is eligible for next promotion as Superintending Engineer since 1st January, 2020 under the Rules, known as the Chhattisgarh State Municipal (Engineering) Services Recruitment Rules, 2014. It is contended further that without any rhyme and reason, the Departmental Promotion Committee has not been convened for

the said purpose as provided under the said Rules of 2014. It is contended further that the Chhattisgarh Public Service (Promotion) Rules, 2003 (for short, the Rules of 2003) cast a duty upon the Respondents for convening the meeting of the DPC in every year as such as per the provisions provided under sub-rule (5) of Rule 7 of the Rules of 2003. It is contended further that in absence of convening the meeting of Departmental Promotion Committee, the valuable right of the Petitioner is being affected and thus he submits that let the present Writ Petition be disposed of by directing the Respondents to consider for convening the meeting of DPC at the earliest for filling up of the post of Superintending Engineer, which is lying vacant for the last many years in accordance with the aforesaid Rules.

3. Given the limited grievance that Petitioner has, learned Deputy Government Advocate submits that let the Writ Petition be disposed of directing the Respondents to take an appropriate decision in this regard as per the Rules, mentioned herein above.

4. Given the entire facts and circumstances of the case, particularly, taking into consideration the submissions of learned counsel for the Petitioner that the post of Superintending Engineer is lying vacant for quite sometime and for the last many years the DPC has not been convened, the present Writ Petition at this juncture is disposed of by directing the Respondents to take an appropriate decision for convening the DPC in accordance with the rules and regulations governing the field, at the earliest, preferably within a period of 90 days from the date of receipt of copy of this Order. The decision to be taken by the Respondents would be subject to availability of vacancies.

5. With the above direction, this Writ Petition accordingly stands disposed of.

Sd/-

(Sanjay S. Agrawal)
Judge