

**NAFR**

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**W.P.(C) No. 4565 of 2021**

Mahadev Dhruw, S/o. Shri B.R. Dhruw, aged about 59 years, Working as Joint Director, (Agriculture), Bastar Division, Jagdalpur, District Bastar Chhattisgarh.

**---- Petitioner**

**Versus**

1. State of Chhattisgarh, Through : the Additional Chief Secretary and Agriculture Production Commissioner, Agriculture Department, Mahanadi Bhawan, Mantralaya, New Raipur District Raipur Chhattisgarh.
2. The Under Secretary Government of Chhattisgarh, Agriculture Department, Mahanadi Bhawan, Mantralaya, New Raipur, District Raipur Chhattisgarh.
3. The Chhattisgarh Public Service Commission. Through : its Secretary, Shahid Bhagat Singh Chowk, Raipur Chhattisgarh.
4. Chandranath Singh, working as Joint Director (Agriculture), Jashpur, District Jashpur Chhattisgarh.
5. C.B. Londhekar, posted as Joint Director, Office of Director (Agriculture), Indravati Bhawan, Nawa Raipur, Atal Nagar, District Raipur Chhattisgarh.
6. The Chairman, Chhattisgarh Public Service Commission, Shahid Bhagat Singh Chowk, Raipur Chhattisgarh.

**---- Respondents**

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| For Petitioner              | : Mr. Abhishek Sinha Sr. Advocate with<br>Mr. Kapil Maini, Advocate |
| For State-Respondents 1 & 2 | : Mr. Ashish Tiwari, Govt. Advocate                                 |
| For Respondents No. 3 & 6   | : Mr. B.D. Guru, Advocate                                           |

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**Hon'ble Shri Justice Rajendra Chandra Singh Samant**

**Order On Board**

**15/11/2021**

1. Learned State/counsel appearing on behalf of the respondents No.1 and 2 and the learned counsel appearing on behalf of the respondent No.3 & 6 submit that present petition is not maintainable as W.P.(C), because it is a service matter. The reliefs as claimed in 10.2 and 10.3 in the petition are clearly subject to be considered as service matter. The DPC was complete, before the W.P.(S) No.5217 of 2021 was preferred on the ground that the petitioner has been deprived from the promotion to the post of Additional Director. Hence, present petition is also similar in nature filed under different head, which can not be entertained. Hence, it is prayed that this petition may be dismissed.
2. Learned senior counsel appearing on behalf of the petitioner opposes the submissions made on behalf of the learned counsel for the respondents and submits that the petitioner has all the qualification for consideration for grant of promotion to the post of Additional Director. Relief that has been prayed in the present petition can not be granted in the service matter. Further the D.P.C. has been conducted by the members of the Public Service Commission, who are not governed by the service law, therefore, the present petition is maintainable.
3. I have heard the learned counsel for the parties and perused the documents placed on record.
4. On perusal of the petition, the main grievance of the petitioner is only this that he has been deprived from promotion to the post of Additional Director. Relief prayed in Clause 10.2 is clearly to quash the impugned proceeding and the promotion order and the relief Clause 10.3 is regarding direction to consider the petitioner for promotion. Therefore, it is clearly a service matter. Service matter is defined as all the matters relating to conditions of services of Union or State including the tenure,

confirmation, seniority, promotion etc.. As the Rules 140 of C.G. High Court Rules 2007 specifically classifies the service matter to be entertained as writ petition service matter and apart from that W.P.(S) No. 5217 of 2021 is already preferred on the similar ground that the petitioner has been deprived promotion to the post of Additional Director. Therefore, this Court is of the view that this petition is not maintainable as W.P.(C) matter. Hence, this petition is dismissed and disposed of as not maintainable.

**Sd/-**  
**(Rajendra Chandra Singh Samant)**  
Judge

Balram