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HIGH COURT OF CHHATTISGARH, BILASPUR**WA No. 239 of 2017****(Arising out of order dated 27.04.2017 passed by the learned Single Judge in WPS No. 1988 of 2017.)**

1. Smt. Archana Rana Seth W/o Shri Pragyan Seth, Aged About 49 Years R/o HIG 208 Vijeta Complex, New Rajendra Nagar, Raipur Chhattisgarh, Currently Posted As Joint Director, Directorate Of Women And Child Development Department, Indrawati Bhawan, New Raipur Chhattisgarh.
2. Smt. Chreesteena S. Lal, W/o Saloman, Mathews Silah, Aged About 52 Years Presently Posted As Joint Director, Directorate Of Women And Child Development Department, Indrawati Bhawan, New Raipur Chhattisgarh.

---- Appellants**Versus**

1. State of Chhattisgarh Through Secretary, Department of Women And Child Development, Mahanadi Bhawan, Mantralaya, New Raipur, District Raipur Chhattisgarh.
2. Secretary, General Administration Department, Mahanadi Bhawan, Mantralaya, Naya Raipur, District Raipur Chhattisgarh.
3. Director, Women And Child Development, Indrawati Bhawan, 2nd Floor, Capital Complex, Naya Raipur, District Raipur Chhattisgarh.
4. Public Service Commission, Through Its Secretary, Saheed Bhagat Singh Chowk, Shankar Nagar Raipur, District Raipur Chhattisgarh.
5. Prateek Khare, S/o Late Shri B. B. Khare, Aged About 47 Years Presently Posted As Joint Director, Directorate of Women And Child Development Department, Indrawati Bhawan, New Raipur Chhattisgarh, R/o E-1 Shanti Nagar, Behind Gaurav Vatika, Guarav Path, Saheed Bhagat Singh Chowk, Raipur, Thana And Post Civil Lines, Tehsil Raipur, District Raipur Chhattisgarh.

---- Respondents

For Appellants	: Shri Kishore Bhaduri and Shri Pankaj Singh, Advocates.
For Respondents-State	: Shri Chandresh Shrivastava, Deputy Advocate General.
For Respondent No.4-PSC	: Shri Ashish Shrivastava and Aman Pandey, Advocates.
For Respondent No. 5	: Shri Amit Soni, Advocate.

Hon'ble Shri P. R. Ramachandra Menon, Chief Justice**Hon'ble Shri Justice Parth Prateem Sahu, Judge****Judgment on Board**

Per P. R. Ramachandra Menon, Chief Justice

10.02.2021

1. Challenge is against the verdict passed by the learned Single Judge in WPS No. 1988 of 2017, declining interference to consider the relief sought for, with reference to the promotion given to the 5th Respondent to the post of Joint Director. The prayers in the writ petition are in the following terms:

“10.1 That, the Hon'ble Court may be kindly pleased to call for the entire records pertaining to the grievance of the petitioner, including the copy of the confidential reports of the respondent no. 5, kept in the possession of the respondents, for kind perusal.

10.2 That, the Hon'ble may be kindly pleased to adjudicate and declare that the Departmental Promotion Committee acted illegally by categorizing the performance of the respondent no. 5 as 'Outstanding/A+' in its proceedings for promotion to the post Joint Director and instead should be categorized as 'Very Good' for all purposes.

10.3 That, this Hon'ble Court may kindly be pleased to adjudicate and declare that the respondent no. 5 was not entitled for promotion in the DPC of Joint Director held alongwith the petitioners and particularly against the post of general category.

10.4 That, this Hon'ble Court be kindly be pleased to quash the promotion of the respondent no.5 on the post of Joint Director and direct the respondents to take all consequential steps.

10.5 That, the Hon'ble Court may kindly be pleased to grant any other relief which the Hon'ble Court deems fit and proper in the facts and circumstances of the present case.

10.6 That, the Hon'ble Court in the facts and circumstances of the present case may further be pleased to grant cost of the petition to the petitioner.”

2. After hearing the matter, the learned Single Judge observed that the cause of action projected before the Court with regard to challenge against the promotion was virtually stale by 11 years or atleast by 5 years with reference to the date of obtaining copies of the proceedings of the DPC. It was accordingly that interference was declined and the writ petition came to be dismissed, which forms the subject matter of challenge in this appeal.

3. Shri Kishore Bhaduri, the learned counsel appearing for the Appellants submits that at no point of time was the seniority of the Petitioners / Appellants altered detrimental to their rights and interests and they were always placed in all the gradation lists above the 5th Respondent. There is some dispute with regard to the steps being pursued by the Respondent / State to consider the claim of the 5th Respondent to get further promotion to the post of Director, in preference to the Petitioners/Appellants. The learned counsel seeks for permission to withdraw the appeal insofar as the challenge against the promotion of the 5th Respondent is concerned (as it was effected on the same date of promotion of the Appellants to the same post); though by placing of the 5th Respondent in the order of appointment at Sl. No. 1. The learned counsel for the Appellants submits that the Appellants have already moved the authorities concerned by filing a representation for redressal of the grievance with reference to the placement given to the 5th Respondent at Sl. No. 1 in the order of appointment and that the same is pending. Permission is sought for to withdraw this appeal without prejudice to the right to pursue the said matter.
4. The permission to withdraw the appeal is granted.
5. It is open for the Appellants to pursue the other subsisting grievance, if any, which was not a subject matter for consideration in the writ petition, by way of appropriate proceedings, before the appropriate authority, in accordance with law.

Appeal is dismissed as withdrawn.

Sd/-

(P. R. Ramachandra Menon)
Chief Justice

Sd/-

(Parth Prateem Sahu)
Judge