CGHC010409242026 2026:CGHC:45274

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 7697 of 2026

Kailash Kumar Sen S/o Shri Sant Kumar Sen Aged About 56 Years Presently Working As Assistant Superintendent, Directorate Of Health Services, Chhattisagarh, Swasthya Bhawan, Sector- 19, North Block, Nava Raipur Atal Nagar, District Raipur Chhattisgarh

... Petitioner

versus

1 – State of Chhattisgarh Through Secretary, Department of Public Health and Family Welfare, Mantralaya, Mahanadi Bhawan, Nava Raipur Atal Nagar, District Raipur, Chhattisgarh

2 - Under Secretary, Department of Public Health and Family Welfare, Government of Chhattisgarh, Mantralaya, Mahanadi Bhawan, Nava Raipur Atal Nagar Dsitrict- Raipur Chhattisgarh.

3 - Commissioner-Cum-Director Directorate of Health Service, Chhattisgarh, Swasthya Bhawan Sector-19, North Block, Nava Raipur Atal Nagar, District Raipur Chhattisgarh

4 - Deputy Director (Establishment) Directorate of Health Service, Chhattisgarh, Swasthya Bhawan Sector-19, North Block, Nava Raipur Atal Nagar, District Raipur Chhattisgarh

... Respondents

For Petitioner	:	Mr. Pankaj Singh, Advocate
For State/Respondents	:	Mr. Gary Mukhopadhyay, Addl. AG

(Hon’ble Shri Justice Bibhu Datta Guru)

Order on Board

27/10/2026

ASHUTOSH MISHRA
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Date: 2026.10.28 18:50:04 +0530

1. By way of the instant petition, the petitioner is seeking a direction towards the respondent authorities for opening the sealed cover containing the recommendation of the Departmental Promotion Committee dated 09.05.2024 in respect of the petitioner for promotion to the post of Administrative Officer and also questioning the inaction on the part of Respondent authorities for not deciding the proposal dated 19.09.2025 forwarded by Respondent No.3 for opening of the said sealed cover.

2. (A) Learned counsel appearing for the petitioner submits that the petitioner was appointed in the Department of Public Health and Family Welfare on 19.12.1994 and is presently working on the post of Assistant Superintendent. The Departmental Promotion Committee (DPC) convened on 09.05.2024 considered the case of the petitioner for promotion to the post of Administrative Officer; however, the recommendation in respect of the petitioner was kept in a sealed cover on the ground that a departmental inquiry was pending against him. Consequently, while other officers were promoted to the said post vide order dated 05.07.2024, the petitioner was left out.

(B) Learned counsel for the petitioner further submits that the very basis for keeping the recommendation in a sealed cover is contrary to the records maintained by the Department. It is contended that, in response to an application under the Right to Information Act, 2005, the petitioner was informed on 30.01.2024 that no record of any departmental inquiry against him was available and that the matter related only to an inquiry at the general level. The said position was reiterated by the Department

in its subsequent communications dated 30.01.2025 and 04.02.2025.

(C) It is further submitted that respondent No. 3, vide communication dated 24.04.2025, informed respondent No. 1 that the complaint which had led to the proceedings was itself erroneous and that the petitioner's name figured in the final allocation list. Thereafter, vide communication dated 19.09.2025, respondent No. 3 forwarded a proposal to respondent No. 1 for opening the sealed cover, recording therein that no charge-sheet had ever been issued against the petitioner and that no penalty had been imposed upon him. The aforesaid position was further confirmed by the Department vide certification dated 22.12.2025.

(D) Learned counsel for the petitioner submits that, despite the aforesaid communications and the repeated representations submitted by the petitioner, including the representations dated 29.07.2024, 09.01.2025, 03.02.2025 and the subsequent representations submitted in the year 2025 and 2026, no final decision has been taken on his claim for promotion. It is, therefore, prayed that respondent No. 1 be directed to consider and decide the petitioner's pending representation and take an appropriate decision regarding opening of the sealed cover containing the recommendation of the DPC dated 09.05.2024.

3. Learned State counsel appearing for the respondents submits that the representation preferred by the petitioner shall be considered and decided by the competent authority in accordance with law. It is submitted that the competent authority shall take into consideration the relevant communications and certificates issued by the Department and

pass an appropriate order regarding the recommendation of the Departmental Promotion Committee, which has been kept in a sealed cover. In addition to the aforesaid submission, it is submitted that the writ petition may be disposed of with an appropriate direction to the competent authority to decide the petitioner's representation within a stipulated period.

4. Having considered the submissions advanced on behalf of the parties and upon perusal of the material available on record, particularly the communications and certificates issued by the Department indicating that no departmental inquiry was pending against the petitioner and that no punishment had been imposed upon him, this Court is of the considered view that the grievance raised by the petitioner deserves consideration by the competent authority.

5. In the facts and circumstances of the case, without expressing any opinion on the merits of the petitioner's claim for promotion, this Court deems it appropriate to dispose of the present writ petition with a direction to respondent No. 1, the competent authority in the Department of Public Health and Family Welfare, to consider and decide the representation submitted by the petitioner within a period of fifty days from today.

6. While deciding the representation, respondent No. 1 shall duly take into consideration the communications and certificates issued by the concerned Department regarding the pendency of any departmental inquiry against the petitioner and the imposition of any punishment upon

him, as well as the proposal forwarded for opening the sealed cover containing the recommendation of the DPC dated 09.05.2024. The competent authority shall thereafter pass an appropriate, reasoned and speaking order regarding the petitioner's claim for promotion and the consequential action, if any, to be taken in accordance with law.

7. With the aforesaid directions, the writ petition stands disposed of.

8. It is made clear that this Court has not expressed any opinion on the petitioner's entitlement to promotion, and the same shall be considered by the competent authority in accordance with the applicable rules and the material available on record.

SD/-
(Bibhu Datta Guru)
JUDGE

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