

(2023) 05 CHH CK 0010

In the Chhattisgarh High Court

Case No : Writ Petition (S) No. 2858 Of 2023

Surendra Singh Rajput

APPELLANT

Vs

State Of Chhattisgarh

RESPONDENT

Date of Decision : 02-05-2023

Acts Referred:

Citation : (2023) 05 CHH CK 0010

Hon'ble Judges : Sachin Singh Rajput, J

Bench : Single Bench

Advocate : Hemant Kesharwani, Sunita Jain

Judgement

1. Grievance raised in this petition is that the petitioner who was appointed on the post of Store Attendant under work charged establishment on 18.09.2013 and fulfills all the qualification required for promotion on the post of Assistant Grade-III, he has not been considered for promotion. He submits that at this stage, grievance of the petitioner would be redressed if a direction is issued to respondents 2 and 3 to consider the claim of the petitioner in accordance with law.

2. Counsel for the petitioner submits that the petitioner was appointed as Class-IV employee on the post of Store Attendant on 18.09.2013 on the pay scale of Rs. 5200-20200/-. The petitioner has completed as of now more than 09 years on class-IV post. Petitioner is having qualification B. Com and M. Com. Petitioner submitted an application before respondent for considering his claim for promotion on the post of Assistant Grade-III in the regular establishment before respondent No.4 but till date his claim has not been considered and decided. One of the similarly situated employee Abhishek Tiwari, on the same ground, filed a writ petition bearing WPS No. 2788 of 2015 which was disposed of directing respondent to consider the claim of the petitioner therein if he fulfills all the eligibility criteria. Accordingly, his candidature for promotion was considered and as per his information, Abhishek Tiwari was promoted on the post of Assistant Grade-III. He submits that as the petitioner has already submitted

representation for consideration of his candidature for promotion which was not being acted upon, direction may be issued to respondents No. 2 and 3 to consider candidature of the petitioner for promotion on the post of Assistant Grade-III.

3. Counsel for the State submits that as counsel for the petitioner has submitted that the petitioner has already submitted representation, it will be decided expeditiously in accordance with law. She submits that if a direction is issued to respondents 2 and 3 to consider representation/claim of the petitioner for consideration of his candidature for promotion within a specified time, she is having no objection.

4. I have heard counsel for the parties and perused the documents annexed along with writ petition.

5. Annexure P-1 is the order of appointment of the petitioner on the post of Store Attendant in the work charged establishment. Petitioner submitted representation before respondent authority on 20.02.2023 but till date it has not been decided. It is also the submission of learned counsel for the petitioner that number of posts of Assistant Grade-III are lying vacant with respondent - Department.

6. In the aforementioned facts of the case, this petition is finally disposed of directing respondents No. 2 and 3 to consider the case of the petitioner for his promotion on the post of Assistant Grade-III subject to his fulfilling all the eligibility criteria for holding the post of Assistant Grade-III in accordance with law, preferably within a period of 90 days from the date of receipt of copy of order passed by this Court.

7. While considering the case of the petitioner the respondents No. 2 and 3 would further consider his claim after perusal of the record as to whether any persons subsequently appointed in the department under the work charged establishment has been considered for promotion from class-IV to Class-III category earlier as has been contended and claimed by the petitioner.

8. Let an appropriate consideration be made by the respondents within an outer limit of 90 days from the date of receipt of copy of this order.

9. Certified copy as per rules.