

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

WPS No. 117 of 2023

Gyanendra Kumar Kashyap S/o Late Shri Atma Ram Kashyap Aged About 61 Years
Working As - Executive Engineer, At - Chhattisgarh Gramin Sadak Vikas Abhikaan, Piu
No. 01, Rajnandgaon, District Rajnandgaon Chhattisgarh

-----Petitioner

VERSUS

1. State Of Chhattisgarh Through Its Secretary, Department Of Panchayat And Rural Development, Mantralaya, Mahanadi Bhawan, Nawa Raipur Atal Nagar, Raipur Chhattisgarh
2. The Engineer In Chief, Department Of Rural Engineering Services, H.Q. Vikas Bhawan, Nawa Raipur, Atal Nagar, Raipur Chhattisgarh
3. The Chhattisgarh Public Service Commission Through Its Secretary, H.Q. Shankar Nagar Road, Raipur, District Raipur Chhattisgarh.
4. Mr. Avinash Kumar Singh S/o Shri Vanshbahadur Singh Aged About 58 Years Working As- Assistant Engineer, At Circle Office Of The Superintendent Engineer Department Of Rural Engineering Services, Raipur. H.Q.- Collectorate Campus, Raipur, District Raipur Chhattisgarh.

-----Respondent

11.01.2023	Mr. Rajesh Kesharwani, Advocate for Petitioner. Mr. Shubham Verma, P.L. for Respondents-State. Heard. Issue notice to Respondents. Learned State Counsel accepts notice on behalf of

respondents No.1 and 2, hence, process fee is not required to be paid for issuance of notice to those respondents. He prays for and is granted three weeks' time to file reply.

On payment of process fee, issue notice to respondents No. 3 and 4 as per rules making it returnable within three weeks.

Also heard on I.A. No. 01 which is an application for grant of interim relief.

Learned counsel for petitioner submits that petitioner was promoted on the post of Assistant Engineer (Civil) *vide* order dated 31.12.2012. While working on the post of Assistant Engineer, petitioner again promoted on the post of Executive Engineer (Civil) on 19.08.2021, since then petitioner was holding the post of Executive Engineer. Respondent-State issued an order dated 02.12.2022, whereby he has been reverted back to the post of Sub-Engineer without issuing any notice to him. He also contended that entire exercise has been done by respondent pursuant to order passed in WPS No. 516/2017 in which also petitioner was not the party respondent. He also pointed out that as many as 25 employees have been reverted back to the post of Sub-Engineer and 17 other persons have been shown to be promoted on the post of Assistant Engineer out of which in the remark column it is mentioned 06 employees retired and 02 died. Order impugned Annexure P-1 is *per se* arbitrary and in violation of principle of natural justice.

Considering the submission of learned counsel for petitioner

and also documents placed on record, purely as an interim measure, it is directed that till the next date of hearing effect and operation of order impugned Anneuxure P-1 dated 02.12.2022, so far as it relates to petitioner, shall remain stayed.

List this case in week commencing from 13th February 2023 along with W.P.(S) No. 9096 of 2022.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
Judge