



2026:CGHC:9345

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

WPS No. 1884 of 2023Rajendra Singh Kshatriya **Versus** State Of Chhattisgarh

16/03/2023	Mr. R.K. Kesharwani, counsel for the Petitioner. Mr. Shubham Verma, P.L. for the State/Respondent. Mr. Prakash Tiwari, counsel for the Respondent. Learned counsel for the petitioner would submit that as per the recruitment Rules Chhattisgarh Rajya Beej Avem Krishi Vikas Nigam Limited Karmcharyo/Adhikariyo k Sewa Bharti, Sewa Sharte, Vargikaran, Sewa Achran Anushasan, Niyantiran or Apeal Niyam, 2011, only 4 posts categorized in the setup as per Schedule 1 Rule 5 i.e. Managing Director, General manager, Deputy General Manager, Manager, Deputy Director Finance can be filled up on deputation and rest of the posts have to be filled up from the employees of Chhattisgarh Rajya Beej Avem Vikas Nigam Limited. The present respondents No. 3 to 8 not belong to the Chhattisgarh Rajya Beej Avem Krishi Vikas Nigam but they are employee of the agriculture department and they have been sent on deputation adversely effecting the rights of the petitioner to be considered for promotion. It is well settled position of the Law that promotion is not fundamental right of the Government servant but right to consider is fundamental right and if posts are filled up from deputation in the rights of petitioner will be adversely affected. Mr. Tiwari, learned counsel for the respondent would submit that he may be given three weeks time to seek



instructions. As the order of the deputation is issued by the State Government the respondent No. 2 is bound to comply with directions of the State Government therefore his prayer for stay may not be considered at this juncture.

The petitioners are regular employee of Chhattisgarh Rajya Beej Avam Krishi Vikas Nigam and respondents No. 3 to 8 are Government employees and as per the Schedule 1 Rule 5 of the 2011 only 4 posts i.e. Managing Director, General Manager, Deputy General Manager, Manager and Deputy Director only can be filled up on deputation. In absence of any power or source for recruitment in deputation to respondents No. 3 to 8 the impugned order is prima facie illegal.

Considering this fact of the matter the effect and operation of the impugned order dated 06.01.2022 (Annexure-P1) shall remain stayed till the next date of hearing.

Issue notice to respondents No. 3 to 8 by ordinary and registered mode.

P.F. be paid within a week.

List this case on **02.05.2023**.

Sd/-

(Narendra Kumar Vyas)

Judge