



2026:CGHC:12667



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 2517 of 2026

1 - Manish Kumar Shrivastava S/o Shri M.N. Srivastava Aged About 52 Years
R/o Flat No. 210, Ganesh Heritage, Ring Road No. 2, Bilaspur, District
Bilaspur (C.G.)

--- **Petitioner(s)**

versus

1 - State Of Chhattisgarh Through The Secretary, Department Of Labour,
Mahanadi Bhawan, Naya Raipur Atal Nagar, Raipur (C.G.)

2 - Labour Commissioner Indravati Bhavan, Atal Nagar, Naya Raipur, District
Raipur (C.G.)

3 - Chhattisgarh Public Service Commission Through The Secretary, North
Block, Sector- 19, Atal Nagar, Naya Raipur, District Raipur (C.G.)

--- **Respondent(s)**

(Cause title is taken from CIS system)

For Petitioner : Mr. Jitendra Pali, Advocate

For Res./State : Mr. Gairy Mukhopadhyay, Additional A.G.

Hon'ble Shri Justice Parth Prateem Sahu

Order On Board

17/03/2026

1. Petitioner has filed this petition seeking following relief (s) :-

“10.1 To kindly issue an appropriate writ, order or direction directing the respondents to grant promotion to the petitioner on the basis of DPC proceeding held on 07.02.2025 to the post of Director, Industrial Health and Safety with effect from 01.03.2025, i.e. the date on



which the vacancy arose due to the superannuation of the incumbent, along with all consequential benefits.

10.2 To kindly direct the respondents to accord the petitioner all consequential service benefits flowing from such promotion, including fixation of pay in the higher pay scale, grant of arrears, seniority, and all other attendant benefits in accordance with law.

10.3 To kindly pass any other order or direction that this Hon'ble Court may deem fit and proper in the facts and circumstances of the case and also award costs of the present petition.

2. Learned counsel for petitioner submits that petitioner is holding the post of Deputy Director, Industrial Health and Safety and has completed requisite period of service on the post and became eligible for consideration for his promotion on the post of Director, Industrial Health and Safety. Respondent/department has convened the meeting of Departmental Promotion Committee on 07.02.2025 in which along with petitioner other similarly placed employees were considered for promotion. In the said meeting, petitioner was also found suitable for his promotion, however, name of Shri K.K. Dwivedi was recommended for promotion. Accordingly, order of promotion was issued in favour of K.K. Dwivedi on 24.02.2025 and the said promoted employee stood retired on 28.02.2025 after completion of age of superannuation. It is contention of learned counsel for petitioner that Departmental Promotion Committee and respondents have not considered the Rule 7(3) and Rule 7(4) of the Chhattisgarh Public Service (Promotion) Rules, 2003 (In short 'the Rules, 2003'), which mentions that at the time of considering the name of employees, who are in zone of consideration for their promotion, the anticipated promotional post is



also to be taken into consideration. In the meeting of Departmental Promotion Committee which was convened on 07.02.2025, the Departmental Promotion Committee has not considered the post which would be going to be vacant after 28.02.2025, i.e. after retirement of K.K. Dwivedi (promoted employee). It is contention of learned counsel for petitioner that the said Rules 7 (3) and 7(4) would have been considered by the Departmental Promotion Committee as also the respondents authority, who has to issue an order of promotion, the petitioner could have been promoted after retirement of K.K. Dwivedi.

3. Learned State counsel submits that he may be granted time to file reply to the writ petition.
4. At this stage, when question is posed to learned counsel for petitioner as to whether petitioner has submitted any representation before the authorities raising all the grounds as raised in this writ petition before respondent No.1, he submits that according to his instruction, petitioner has not submitted any representation.
5. I have heard learned counsel for parties.
6. Grievance of petitioner is that the petitioner was considered along with Shri K.K. Dwivedi for promotion on the post of Director in a meeting convened by Departmental Promotion Committee on 07.02.2025 he was found eligible, however, petitioner could not be recommended for want of vacant post.
7. In the aforementioned facts of the case, I find it appropriate to dispose of this writ petition at this stage permitting petitioner to submit representation raising all the grounds as raised in this writ petition



before respondent No.1 and if such representation is submitted, the concerned authority shall consider and take decision on the representation to be submitted by petitioner taking into consideration the minutes of the Departmental Promotion Committee dated 07.02.2025 along with the Rule 7(3) and Rule 7(4) of the Rules, 2003 in accordance with law, expeditiously preferably within further period of two months from the date of receipt of representation. If respondents comes to conclusion that there is lapse in not following Rule 7 (3) and 7(4) of the Rules, 2003 then to pass appropriate orders accordingly.

8. With the aforesaid observation and directions, this petition stands disposed of.

Sd/-
(Parth Prateem Sahu)
Judge

Balram