



2026:CGHC:21074-DB

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****WA No. 373 of 2026**

Sampat Ram Toppo S/o Shri Mahaveer Prasad Aged About 56 Years
R/o F-3 Forest Colony Kasabadi Korba District- Korba (C.G.)

... Appellant**versus**

1 - State of Chhattisgarh Through Secretary Department of Forest
Mantralaya Mahanadi Bhawan Nava Raipur (C.G.) District- Raipur
(C.G.)

2 - Principal Chief Conservator Of Forest Aranya Bhawan Medical
College Road Raipur (C.G.) District- Raipur (C.G.)

3 - Conservator of Forest Circle Bilaspur (C.G.) District- Bilaspur (C.G.)

... Respondents

For Appellant(s) : Mr. Aniket Verma, Advocate.

For Respondent(s) : Mr. Prasun Kumar Bhaduri, Deputy Advocate
General.

Hon'ble Shri Ramesh Sinha, Chief Justice
Hon'ble Shri Ravindra Kumar Agrawal, Judge
Judgment on Board

Per Ramesh Sinha, Chief Justice**06/05/2026**

1 Heard Mr. Aniket Verma, learned counsel for the appellant as well as Mr. Prasun Kumar Bhaduri, learned Deputy Advocate General, appearing for the Respondents/State on I.A. No.01/2026, which is an application for condonation of delay of 23 days in preferring the present appeal.



2 On due consideration the grounds assigned in the application (I.A. No.01/2026), the same is allowed. Delay of 23 days in preferring the present writ appeal is hereby condoned.

3 The present writ appeal is directed against the impugned order dated 08.01.2026 passed by learned Single Judge of this Court in WPS No.1997/2023, whereby the writ petition filed by the writ petitioner / appellant was dismissed.

4 Brief facts, necessary for disposal of this appeal, are that writ the petitioner was appointed as a Steno Typist in the respondent department by order dated 21.06.1993 and since then has been continuously discharging his duties with utmost sincerity, dedication and integrity. The respondent State framed the M.P. (Chhattisgarh) Class III (Ministerial) Forest Service Recruitment Rules under Article 309 of the Constitution of India; however, with the passage of time, it was noticed that no promotional avenue was provided for employees holding the post of Steno Typist, resulting in stagnation and denial of career progression. This anomaly was examined by the Chowdhri Commission, which recommended that Steno Typists who had passed the requisite examination of 100 words per minute and had completed seven years of service be promoted to the post of Stenographer in the revised pay scale. The said recommendation was accepted by the State Government and implemented through circular dated 18.02.1983, which was further clarified by circular dated 04.02.1985, affirming the entitlement of Steno Typists to promotion upon completion of seven years of service. Despite the issuance of the aforesaid circulars, no



effective steps were taken by the respondent department to extend the promotional benefits to Steno Typists. Even after more than a decade, the Singh Deo Committee was constituted, which again examined the issue and recommended promotion of Steno Typists to the post of Stenographer. The State Government accepted these recommendations and issued a circular dated 14.05.1997, directing all departments, including the Forest Department, to amend their service rules by incorporating provisions for promotion of Steno Typists to the post of Stenographer. This was followed by another circular dated 24.02.1998, whereby all departments were once again directed to carry out the necessary amendments, with the amended M.P. Secretariat Service Recruitment Rules, 1977 being provided as a model for guidance. Thereafter, the State Government issued yet another circular dated 17.06.1998, deciding that 50% of the posts of Stenographers would be filled by promotion from amongst eligible Steno Typists and the remaining 50% by direct recruitment, and also directed preparation of a separate seniority list for Steno Typists. The petitioner, having completed seven years of service in the year 2000, along with other similarly situated employees, submitted representations seeking promotion. Acting upon such representations, respondent No. 03 constituted a Departmental Promotion Committee, which, on 07.11.2005, found the petitioner eligible for promotion to the post of Steno Grade-III. Subsequently, respondent No. 03, by letter dated 09.12.2005, informed respondent No. 02 that 37 posts of Steno Grade-III were available at the State level and could be filled by promotion.



However, respondent No. 02 failed to act upon the recommendations of the Departmental Promotion Committee as well as the availability of vacancies, compelling the petitioner to submit several further representations, which also remained unattended. Left with no alternative, the petitioner, along with other similarly situated employees, approached this Court by filing WPS No. 7221 of 2009. During the course of hearing, the State Government categorically submitted that the case of the petitioner and others would be considered in the light of the memo dated 09.12.2005. Recording such submission, this Court disposed of the writ petition on 10.08.2021, directing respondent No. 02 to consider and decide the representation of the petitioner within a period of 60 days. In the meantime, the petitioner was promoted to the next higher post in the year 2013. However, in purported compliance of the aforesaid order, respondent No. 02 passed the impugned order dated 21.12.2021, rejecting the petitioner's claim for promotion from the date of his eligibility, while at the same time admitting delay and lapses on the part of the department in incorporating and implementing the required amendments as directed by various committees and circulars issued by the State Government. Being aggrieved by the same, the petitioner filed another writ petition before this Court being WPS No. 1997 of 2023, which was dismissed by the learned Single Judge vide impugned order dated 08.01.2026. Hence, this appeal.

5 Learned counsel for the appellant submits that the appellant, appointed as a Steno Typist in 1993, has served with dedication and integrity. Despite repeated recommendations by the Chowdhri and



Singh Deo Committees, and several State Government circulars (18.02.1983, 04.02.1985, 14.05.1997, 24.02.1998, 17.06.1998) providing for promotion of eligible Steno Typists to the post of Stenographer, the respondent department failed to implement these directives for over a decade. The appellant, having completed seven years of service in 2000, was found eligible by the Departmental Promotion Committee on 07.11.2005, and the availability of 37 posts was communicated to the competent authority on 09.12.2005. However, due to departmental inaction, the appellant's rightful promotion was delayed, compelling him to approach this Court in WPS No. 7221 of 2009, which directed consideration of his representation within 60 days. Despite this, the impugned order dated 21.12.2021 rejected the claim for promotion from the date of eligibility, admitting departmental lapses, and the learned Single Judge, in WPS No. 1997 of 2023, upheld this rejection. He further submits that the learned Single Judge erred in failing to protect the appellant's substantive right to promotion from the date of eligibility, which arises from accepted government policy, circulars, and committee recommendations. Delay attributable solely to departmental inaction cannot defeat this right. Further, the appellant had a legitimate expectation of promotion, reinforced by repeated directives, and denial thereof violates principles of equity, fairness, and service jurisprudence, therefore, he submits that the impugned order deserves to be set aside, and the appellant should be granted promotion from the date of eligibility, with all consequential benefits, including pay, seniority, and other service-related perks.



6 On the other hand, learned State counsel submits that the appellant's claim for promotion is governed by the rules, procedures, and administrative requirements prevailing at the relevant time. While the State Government issued various circulars and recommendations regarding the promotion of Steno Typists, the actual implementation required amendment of departmental service rules, creation of vacancies, and proper administrative processing, which inevitably involved time and coordination across multiple authorities. The impugned order dated 21.12.2021, which was challenged in WPS No. 1997 of 2023, correctly considered these aspects and rejected the claim for promotion from the date of eligibility, noting that while there were lapses and delays in implementation, such delays do not automatically entitle the appellant to retrospective promotion without regard to the administrative realities and the need for proper procedural compliance. It is further submitted that the learned Single Judge, after careful consideration of the relevant records, circulars, and departmental processes, correctly declined to grant promotion with retrospective effect. The State has acted in accordance with law and administrative feasibility, and the appellant has already been promoted to the next higher post in 2013. Granting retrospective promotion could disrupt the seniority and service structure and set an impractical precedent. In view of the above, therefore, he prayed to dismiss the appeal and uphold the order of the learned Single Judge.

7 It is well-settled that promotions are governed by statutory rules, service regulations, and administrative procedures. While principles of



“promotion from the date of eligibility” and “legitimate expectation” are recognized in service jurisprudence, such rights are subject to:

- The existence of sanctioned vacancies;
- Completion of required procedural steps, including amendments to service rules;
- Consideration of administrative feasibility and continuity of service structure; and
- Ensuring that retrospective promotion does not disrupt seniority or create undue advantage.

Circulars, committee recommendations, and Government memoranda, while indicative of policy, are not substitutes for formal rule amendments or creation of vacancies. Courts have consistently held that service members cannot claim retrospective benefits where implementation required administrative and procedural compliance beyond mere issuance of policy circulars.

8 The record shows that while the department admitted lapses and delays, it did take steps to regularize the appellant’s promotion, culminating in his promotion in 2013. The delay, though unfortunate, is attributable to the complexity of rule amendments and administrative processes, rather than deliberate denial of promotion. The appellant’s entitlement to promotion existed prospectively once procedural steps were completed; retrospective relief is neither legally mandated nor administratively feasible.

9 The principle of legitimate expectation applies where there is a clear, unambiguous promise by the employer, and the employee has relied upon it to his detriment. In the present case, while circulars and committee recommendations were issued, they were subject to



departmental rule amendments and availability of posts. The appellant cannot claim a legal right to retrospective promotion merely on the basis of delay. The State acted within its discretion and the principles of equity have been sufficiently addressed by granting the appellant promotion in 2013.

10 Having considered the factual matrix, the applicable legal principles, the administrative realities, and the submissions of both parties, we find no merit in the appeal. The impugned order dated 08.01.2026 of the learned Single Judge, dismissing writ petition and refusing retrospective promotion to the appellant, is legally sound, equitable, and in accordance with service jurisprudence.

11 Accordingly, the appeal is dismissed. No order as to costs.

Sd/-
(Ravindra Kumar Agrawal)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice