



2026:CGHC:13544  
NAFR

## HIGH COURT OF CHHATTISGARH AT BILASPUR

### WPS No. 9096 of 2022

- Jitendra Kumar Meshram S/o Pyarelal Meshram Aged About 57 Years Working As Executive Engineer (Civil) And Posted At Chhattisgarh Gramin Sadak Vikas Abhikaran Kawardha, District Kawardha (C.G.)

--- **Petitioner(s)**

**versus**

- State Of Chhattisgarh Through Secretary, Department Of Panchayat And Rural Development Mahanadi Bhawan, Mantralaya, Atal Nagar, New Raipur, District Raipur (C.G.)

--- **Respondent(s)**

**WITH**

### 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(s)**

**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(s)

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|-----------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| For Petitioners | : Mr. Shashi Kushwaha and Mr. G.P. Mathur, Advocates (in <b>WPS/9096/2022</b> )<br><br>Mr. Juhi Anguriya, Advocate on behalf of Mr. R.K. Kesharwani, Advocate(in <b>WPS/117/2023</b> ) |
| For State       | : Mr. Suyashdhar Badgaiya, G.A.                                                                                                                                                        |
| For CGPSC       | : Dr. Sudeep Agrawal, Advocate (in <b>WPS/117/2023</b> )                                                                                                                               |

**Hon'ble Shri Justice Rakesh Mohan Pandey**

**Order On Board**

**20.3.2026**

- 1) Petitioners, namely, Jitendra Kumar Meshram and Gyandendra Kumar Kashyap filed these petitions assailing the order passed by Secretary, Department Of Panchayat And Rural Development, State of Chhattisgarh dated 2.12.2022, whereby they have been reverted to the post of Sub-Engineer from Executive Engineer.
- 2) Facts of present cases are that initially petitioners were appointed against sanctioned and vacant posts of Sub Engineer under Panchayat and Rural Development Department in the year 1983-84. Subsequently, Jitendra Kumar Meshram was promoted to the post of Assistant Engineer (Civil) on 25.2.2016 and he was further promoted to the post of Executive Engineer (Civil) on 19.8.2021. Likewise, Gyandendra Kumar Kashyap was promoted to the post of Assistant Engineer on 31.12.2012 and he was further promoted

to the post of Executive Engineer on 19.8.2021. Respondent No. 1 vide order dated 2.12.2022 reverted the petitioners to post of Sub Engineer.

- 3) Learned counsel for the petitioners submit that respondent No. 1 has passed the order impugned whereby petitioners have been reverted to the post of Sub Engineer without affording opportunity of hearing. They further submit that order impugned is bad in law and same has been passed in utter violation to the principles of natural justice. They pray to set aside the order impugned pertaining to petitioners.
- 4) On the other hand, learned counsel appearing for the respective respondents would oppose. They submit that co-ordinate Bench in WPS No. 516 of 2017 observed that petitioner therein, namely, Avinash Singh had been wrongly denied promotion on the basis of executive instruction and State Government was directed to hold a review DPC of DPC dated 29.9.2012. They further submit that pursuant to order passed in that writ petition, review DPC was convened on 21.12.2019 wherein it was found that 51 Sub Engineers who were seniors to the petitioners were not considered for promotion in the original DPC, therefore those Sub Engineers were offered promotion to the post of Assistant Engineer and looking to the number of vacancies, petitioners herein were demoted to the post of Sub Engineer.

- 5) I have heard learned counsel for the parties and perused the documents placed on record.
- 6) Admittedly, a review DPC was held pursuant to order passed by the co-ordinate Bench in WPS No. 516 of 2017 and in said review DPC, it was found that petitioners have been considered for promotion on the basis of executive instruction ignoring the rules etc., therefore seniors to the petitioner who were not considered for promotion in DPC dated 29.9.2012 were offered promotion and on account of non-availability of sanctioned and vacant posts of Assistant Engineer, petitioners were demoted to the post of Sub Engineer. It is not in dispute that during the course of entire exercise, no opportunity of hearing was afforded to the petitioners.
- 7) Hon'ble Supreme Court in the matter of ***Prakash Ratan Sinha Versus State of Bihar and Others***<sup>1</sup> cautioned against the broad application of 'useless formality theory' and held that any administrative decision by an "instrumentality of the State" that results in civil consequences must strictly adhere to the principles of natural justice and State could not take away a right (the promotional post) without first affording the individual a fair opportunity to be heard.
- 8) Taking into consideration the above-discussed facts and the law laid down by Apex Court in matter of **Prakash Ratan Sinha**

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1. (2009) 14 SCC 690

(supra), order dated 2.12.2022 pertaining to petitioners stands quashed reserving liberty in favor of respondents to take a fresh decision after affording due opportunity of hearing to the petitioners.

- 9) Accordingly, these petitions stand **allowed**. Interim relief granted earlier stands vacated.

Sd/-  
(**Rakesh Mohan Pandey**)  
JUDGE

A j i n k y a