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HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition (S) No. 829 of 2021

1. Shashank Shekhar Dubey S/o Late Shankar Prasad Dubey Aged About 57 Years R/o F - 16 Rama Life City, Sakri, Bilaspur, Tahsil And District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Cooperative, Mahanadi Mantralaya, Naya Raipur, Atal Nagar, Post Office And Police Station Naya Raipur, Atal Nagar, District Raipur Chhattisgarh.

2. Zila Shakari Kendriya Bank Maryadit Bilaspur, Through The Chief Executive Officer, Zila Shakari Kendriya Bank Maryadit, Near Nehru Chowk, Bilaspur Chhattisgarh

3. Chief Executive Officer Zila Shakari Kendriya Bank Maryadit, Near Nehru Chowk, Bilaspur Chhattisgarh. **---- Respondents**

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For Petitioner	:	Shri Gary Mukhopadhayay, Advocate
For State	:	Ms. Akanksha Jain, Dy. G.A..
For Respondents No. 2 & 3	:	Shri Jitendra Shrivastava, on behalf of Shri Prafull N. Bharat, Advocates.

Hon'ble Shri Justice P. Sam Koshy

Order On Board

22.02.2021

1. The grievance of the petitioner in the present writ petition is only to the extent of inaction on the part of the respondents in not opening the recommendation of the DPC pertaining to the petitioner in-respect-of the promotion to the post of Additional Chief Supervisor.

2. According to the petitioner, the recommendation of the DPC has been placed in a seal cover in view of a departmental enquiry which was pending against the petitioner and the departmental enquiry now has

got completed and the Enquiry Officer has submitted his report exonerating the petitioner from the charges leveled against him. That the Enquiry report was submitted as early as in the year 2018, therefore it is presumed that the disciplinary authority has also accepted the verdict of the Enquiry Officer. In the said circumstances, the seal cover in-respect-of the DPC pertaining to the petitioner should be opened.

3. Learned counsel appearing for the respondents No. 2 & 3 however submits that it is a case where the petitioner on an earlier occasion was granted promotion to the post of Additional Chief Supervisor, which was subsequently found out to be erroneously granted and the said promotion was subsequently recalled which was challenged by the petitioner before the different forums under the Corporative Societies Act uptill the stage of Tribunal. Thereafter, the matter has now come to the High Court vide WP(S) No. 5141/2020, therefore the present writ petition also needs to be connected with that case.

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4. Perusal of the records would show that the aforesaid Writ Petition which the petitioner has preferred is in-respect-of altogether different cause of action and the present writ petition that he has filed is for promotion from the present post i.e. the petitioner is holding and therefore the out-come of the said writ petition would not have any bearing on opening of seal cover in-respect-of recommendation made by the DPC pertaining to the petitioner without expressing any opinion on the merit of the case taking into consideration the enquiry report

submitted by the Enquiry Officer exonerating the petitioner from the allegations/charges that was leveled against him.

5. Accordingly, the writ petition at this juncture can be disposed off directing the respondents No. 2 & 3 to take immediate step in accordance with Rules governing the field so far as opening of seal cover pertaining to the recommendation made by the DPC held on 16.11.2017 dealing with the petitioner in-respect-of promotion to the post of Additional Chief Supervisor is concerned. Let a decision be taken in this regard by the authorities at the earliest preferably within a period of 90 days from the date of receipt of copy of this order.

6. With the aforesaid observation, the writ petition accordingly stands disposed of.

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Sd/-

P. Sam Koshy
Judge

Jyotijha