

HIGH COURT OF CHHATTISGARH, BILASPURWrit Petition No.6219 of 2006

P.D. Sonwani, S/o Shri I.D. Sonwani, aged about 54 years, Occupation Sr. Pharmacist in N.T.P.C. Hospital, Korba, R/o Quarter No. B-587, Block-4, Yamuna Vihar, Post Office Jamnipali, Korba, District Korba (C.G.)

---- Petitioner

Versus

1. National Thermal Power Corporation Limited (A Govt of India Enterprise), Through its Managing Director/General Manager, NTPC, New Delhi.
2. National Thermal Power Corporation Limited, Korba, through its General Manager, Post Office, Pragati Nagar, Korba, District Korba (C.G.)
3. Chief Personnel Manager (Personnel Department), N.T.P.C. Korba, Pragati Nagar, Korba, District Korba (C.G.)
4. N.T.P.C. Farakka, through its General Manager at Farakka (West Bengal)
5. Shailendra Mukharjee, S/o not known, working as Executive Class 1, at N.T.P.C. Hospital, Farakka (West Bengal).

---- Respondents

For Petitioner: Mr. Rajendra Kumar Patel, Advocate.

For Respondents No.1 to 4: -

Mr. Vinod Deshmukh, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

31/07/2018

1. The petitioner was initially appointed to the post of Compounder in W-4 Grade in the cadre of Workman which he accepted and joined the duty, thereafter he was designated as Pharmacist on 5-3-1981 and thereafter, he was also promoted from the post of Pharmacist Grade-II (W-6) to the post of Pharmacist Grade-I (W-7). Now, by way of this petition, the petitioner is claiming promotion in Supervisor Cadre comparing himself with respondent No.5 Shailendra Mukherjee on the

ground that he is having Pharmacist diploma qualification. On 9-1-2006, this Court directed NTPC to consider the representation of the petitioner for further promotion in accordance with law and by reasoned order it has been rejected on 25-6-2006 against which this writ petition has been preferred.

2. Learned counsel for the petitioner submits that the petitioner is entitled to be promoted in Supervisory Cadre at par with respondent No.5, whereas learned counsel for respondents No.1 to 4 would submit that the petitioner is working in the workman cadre and promotion channel of workman cadre and supervisor cadre, both, are different and both are not one and same and as such, the petitioner cannot be promoted on the supervisory cadre merely because he possesses the Pharmacist diploma qualification.
3. I have heard learned counsel for the parties and considered the rival contentions.
4. Pursuant to the order of this Court, the petitioner made representation which has been considered and rejected on 25-6-2006 which has not been questioned in the writ petition, whereby he has been informed that further promotion in the next higher grade will be considered in the terms of channel of promotion applicable to the post of Pharmacist and rule of promotion policy applicable for workman category. The petitioner cannot claim promotion on the post of Supervisory cadre.
5. In a similarly situated case, in the matter of Om Kumar Arya v. N.T.P.C. Korba and others¹, this Court has clearly held as under: -

“(6) The respondents have produced along with their return the channel of promotion for the post of Pharmacist

¹ W.P.No.3538/1997, decided on 3-5-2007

Gr.IV. The next promotional post of Pharmacist Gr.IV is Pharmacist Gr.III and Pharmacist Gr.II and if a person possesses Pharmacist Diploma and also successful in the interview that would be conducted by the employer, then he can be posted to the post of Junior Supervisor S-1 grade. The next promotional post of Junior Supervisor S-1 grade is Supervisor Grade-II, Supervisor Grade-I etc.

(7) The petitioner merely because he possesses a Pharmacist Diploma qualification cannot either seek promotion to the next promotional post of Supervisory cadre. He has to wait for his turn. It is only when he comes within the zone of consideration for promotion to the next higher cadre and if his case is not considered by the respondents then only he can make out grievance before this Court. In that view of the matter, the relief sought for by the petitioner cannot be granted by this Court. Accordingly, the writ petition deserves to be rejected and it is rejected. Ordered accordingly.”

6. Following the principle laid down in Om Kumar Arya (supra) and considering the fact that the petitioner belongs to workman cadre, merely because he possesses Pharmacist diploma qualification, he cannot be directed to be promoted on the post of Supervisory cadre contrary to the promotion policy. I do not find any merit in the petition. The writ petition is accordingly, dismissed. No order as to cost(s).

Sd/-
(Sanjay K. Agrawal)
Judge