

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 3071 of 2021

Surendra Singh S/o Late Ram Darash Singh Aged About 49 Years R/o
18/13, Nehru Nagar (East), Bhilai, District Durg Chhattisgarh 490020

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Energy Department, State Of Chhattisgarh, Mahanadi Bhawan, Naya Raipur, Chhattisgarh 492002
2. Chhattisgarh State Electricity Regulatory Commission, Through Chairman, Santi Nagar, Irrigation Colony, Raipur, Chhattisgarh 492001
3. Secretary Chhattisgarh State Electricity Regulatory Commission, Santi Nagar, Irrigation Colony, Raipur, Chhattisgarh 492001

---- Respondents

For Petitioner	:	Shri Swajeet Singh Ubeja, Advocate.
For State/Res.1	:	Shri Rahul Jha, GA
For Res. No.2 & 3	:	Shri Shivang Dubey, Advocate

Hon'ble Shri Justice P. Sam Koshy

Order on Board

30/06/2021

1. The grievance of the petitioner in the present writ petition is the non conducting of DPC by the respondent no.2 & 3 for promotion of the petitioner from the post of Joint Director to the post of Director.
2. The present is a repeat writ petition filed on behalf of the petitioner. The earlier writ petition was WPS 4350/2020 and the said writ petition was disposed of on 01.12.2020. This Court disposed of the writ petition expecting the respondents to conduct a DPC under the normal procedures prevailing under the respondent no.2 & 3.

3. Learned counsel for the petitioner submits that subsequently respondents did constitute a Committee for holding the DPC vide order dated 26.03.2021 (Annexure P-12). However, thereafter there has been no further progress and Committee has not been able to conclude the promotion process.
4. Today when the matter is taken up, learned counsel for the respondent no.2 & 3 submits that as on date the entire commission itself is in a defunct state, inasmuch as it does not have a functional chairman and post of one member is also lying vacant and therefore there could not be any progress made on the order dated 26.03.2021.
5. Learned counsel for respondent no.2 & 3 further submits that as on date the appointment have been made and the persons who have been appointed have till date not taken the charge and therefore there is a possibility that immediately after the Chairman and other member take charge, regular functioning of the commission would start and thereafter appropriate steps shall also be taken in the case of the petitioner for proceeding further with the DPC as ordered by this Court in the earlier round of litigation. Counsel for the respondent no.2 & 3 submits that after the Chairman and member is appointed the promotion process should be considered and decided at least within a period of 90 days.
6. Considering the submissions that the respondent counsel has made, realising the practical difficulties that has arisen on account of post of Chairman and one member falling vacant, and the appointments having being made, this Court expects that after the Chairman and member assume their charge and duties they shall consider the case of the petitioner on priority basis at least taking into consideration the order of this Court in the previous litigations so far as the matter of holding of DPC

and promotional process for filling up the post of Director from the feeder post of Joint Director at the earliest preferably within a period of 60 days from the date of receipt of copy of this order.

7. With the aforesaid observation, the writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

Rohit