

Devendra Kumar Vindhyaraj vs State Of Chhattisgarh on 17 December, 2021

Author: Sanjay K. Agrawal

Bench: Sanjay K. Agrawal

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

Writ Petition (S) No.6815 of 2021

Devendra Kumar Vindhyaraj and others Versus State of Chhattisgarh and others

SB

Hon'ble Shri Justice Sanjay K. Agrawal

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17/12/2021 Mr. Dhiraj Kumar Wankhede, counsel for the petitioners.

Mr. Ravi Kumar Bhagat, Deputy Govt. Advocate for the State /
respondents No.1 and 2.

Dr. N.K. Shukla, Senior Advocate with Mr. Pranjal Shukla and Mrs. Deepa Jha, Advocates for respondent No.3.

Mr. Manoj Kumar Sinha, counsel for respondent No.4.

Heard on I.A.No.1/2021 for grant of interim relief.

This Court on 10-12-2021, issued notice to respondent No.3, as respective counsel for respondents No.1, 2 & 4 have accepted notice, but only the affidavit of Controller, Food & Drug Administration, has been filed by respondents No.1 & 2 and reply to the application for grant of interim relief has been filed by respondent No.4, but no return to the writ petition has been filed by either of the parties.

Learned counsel for the petitioners would submit that the petitioners are working on the substantive post of Food Safety Officer, whereas respondent No.3 is appointed only under Section 37 of the Food Safety and Standards Act, 2006 and is not substantially holding the post of Food Safety Officer, therefore, he cannot be further promoted on the post of Senior Food Safety Officer on the basis of final gradation list issued on 18-11-2021, and respondent No.4 is junior to the petitioners. He would further submit that the petitioners' substantive objection on the seniority list has not been considered and decided despite the order of this Court, and respondents No.3 & 4 are being

considered for the post of Senior Food Safety Officer. Learned State counsel would oppose the application for stay and submit that the petitioners' representation has already been rejected on 18-11-2021 and they have been informed.

Learned Senior Counsel appearing for respondent No.3 would submit that respondent No.3 has been appointed on the post of Food Safety Officer by order dated 24-2-2011 which has been withdrawn on 20-2-2015 and the writ petition filed by respondent No.3 namely, W.P.(S) No.5204/2012 is also pending consideration in which interim order has been granted.

Learned counsel for respondent No.4 would submit that respondent No.4 is senior to the petitioners in view of the provision contained in Rule 12(1)(a) of the Chhattisgarh Civil Services (General Conditions of Service) Rules, 1961, therefore, the application for interim relief deserves to be rejected.

Three weeks' time is granted to learned counsel for the respondents to file return.

Considering the submission of learned counsel for the petitioners; taking into account that despite notice, respondents No.1 & 2 have chosen not to file reply either on the main petition or on the stay application and have only filed affidavit qua the order dated 10-12-2021; and taking into consideration the objection of the petitioners to the seniority list and the objection that respondent No.3 was never appointed on the substantive post of Food Safety Officer and further objection that respondent No.4 is junior to the petitioners, it is directed that till the next date of hearing, no further action will be taken for promotion of respondents No.3 & 4 pursuant to the gradation list dated 18-11-2021.

List the matter for consideration on 12-1-2022.

C.C. as per rules.

Sd/-

(Sanjay K. Agrawal) Judge Soma