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(2018) 07 CHH CK 0389

Chhattisgarh High Court

Case No: Writ Petition No. 6219 Of 2006

P.D. Sonwani	APPELLANT
Vs	
National Thermal Power Corporation Limited And Ors	RESPONDENT

Date of Decision: July 31, 2018

Hon'ble Judges: Sanjay K. Agrawal, J

Bench: Single Bench

Advocate: Rajendra Kumar Patel, Vinod Deshmukh

Final Decision: Dismissed

Judgement

Sanjay K. Agrawal, J

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 others Ã, W.P.No.3538/1997, decided on 3-5-2007, 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 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).