



2026:CGHC:10581



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**NAFR**

**HIGH COURT OF CHHATTISGARH AT BILASPUR**

**Order Reserved on : 12.02.2026**

**Order Delivered on : 28.02.2026**

**WPS No. 7136 of 2023**

Dilip Rangare S/o Late Gyanovaji Rangare, Aged About 59 Years Presently Working As Office Superintendent, Office Of Tribal Director, Research and Training Institute, Nava Raipur District Raipur Chhattisgarh.

**... Petitioner**

**versus**

**1** - State of Chhattisgarh Through The Secretary, Scheduled Caste And Scheduled Tribe Development Department, Mantralaya Mahanadi Bhawan, Nava Raipur, Atal Nagar, District Raipur Chhattisgarh.

**2** - Commissioner, Scheduled Caste And Scheduled Tribe Development Department, Block -4D, Ground Floor, Indrawati Bhawan, Nava Raipur Atal Nagar, District Raipur Chhattisgarh.

**3** - Director, Tribal Research And Training Institute, Nava Raipur, District Raipur Chhattisgarh.

**4** - Gyaneshwar Bansod, Officer Superintendent, Office Of The Commissioner, Scheduled Caste And Scheduled Tribe Development Department Block -4-D, Ground Floor, Indrawati Bhawan, Nava Raipur Atal Nagar, District Raipur Chhattisgarh.

**--- Respondents**

(Cause-title taken from Case Information System)

For Petitioner	:	Mr. C. Jayant K. Rao, Advocate
For State/Respondents No.1	:	Mr. Dilman Rati Minj, Deputy Advocate General
For Respondent No.4	:	Mr. Aniket Verma, Advocate



**Hon'ble Shri Amitendra Kishore Prasad, Judge**

**CAV Order**

1. Heard Mr. C. Jayant K. Rao, learned counsel for the petitioner as well as Mr. Dilman Rati Minj, learned Deputy Advocate General appearing for the State/respondents No.1 to 3 and Mr. Aniket Verma, learned counsel appearing for respondent No.4.
2. By way of this writ petition, the petitioner seeks to challenge the order dated 23.08.2023 whereby respondent No.2, i.e. Commissioner, Scheduled Caste and Scheduled Tribe Development Department, Raipur has granted seniority to respondent No.4 over the petitioner in the gradation list effective from 01.04.2012 whereas Departmental Promotion Committee (DPC) vide its order dated 29.12.1996 granted seniority to the petitioner over respondent No.4. The petitioner has sought for following reliefs:-

*“10.1 That, this Hon'ble Court may kindly be pleased set-aside the order dated 23.08.2023 (Annexure P/1) and further direct the respondent No.2 to maintain the seniority list as directed by the Departmental Promotion Committee vide order dated 29.06.2012.*

*10.2 That, this Hon'ble Court may kindly be pleased to grant any other relief as it may deems fit and appropriate.”*

3. Brief facts of the case are that the petitioner and respondent No.4 were appointed on the post of Lower Division Clerk vide order



dated 11.03.1987, wherein the petitioner was placed at Sl. No.3 and respondent No.4 at Sl. No.5. Thereafter, the petitioner was promoted to the post of Upper Division Clerk on 22.11.1996, whereas respondent No.4 was promoted to the post of Assistant Grade-II on 22.10.1997. In the gradation list published on 23.07.2003, the petitioner was shown as senior. Subsequently, the petitioner was promoted to the post of Assistant Grade-I on 06.10.2003. Respondent No.4 was promoted to the post of Junior Account Officer vide order dated 13.06.2007; however, the petitioner was not initially considered. On representation made by the petitioner, a Review Departmental Promotion Committee was constituted and the petitioner was also granted promotion to the post of Junior Account Officer with effect from 13.06.2007. In the gradation list issued as on 01.04.2012 and published on 11.01.2013, the petitioner was shown senior to respondent No.4 at Sl. No.3, while respondent No.4 was placed at Sl. No.4. However, after a lapse of about ten years, respondent No.2, by the impugned order dated 23.08.2023, interfered with the earlier decision of the Departmental Promotion Committee and, by allegedly misinterpreting the relevant provisions, granted seniority to respondent No.4 over the petitioner, which has given rise to the present petition.

4. Mr. C. Jayant K. Rao, learned counsel for the petitioner, submits that the impugned order dated 23.08.2023 is per se illegal, arbitrary and unsustainable in the eyes of law. It is contended that



the determination of seniority and consideration for promotion are required to be made strictly in accordance with the recommendations of the DPC and the duly published gradation list. In the present case, the petitioner was admittedly appointed prior to respondent No.4 and has consistently been shown senior in the gradation lists issued from time to time. He would submit that while considering promotion to the post of Junior Account Officer, the matter was placed before the DPC and, upon review, the petitioner was granted promotion with effect from 13.06.2007, thereby recognizing his seniority over respondent No.4. The Review DPC, after due consideration of the service records and existing gradation position, found the petitioner entitled to promotion from the same date as respondent No.4. Once the DPC has considered the comparative merits and seniority position and has accorded promotion accordingly, the same attains finality and cannot be unsettled after a long lapse of time without any statutory justification.

5. Mr. Rao further submitted that the respondent authorities, while passing the impugned order, have taken into account extraneous considerations and have erroneously interpreted the relevant service rules so as to disturb the settled seniority position of the petitioner. The settled proposition of service jurisprudence is that seniority ordinarily flows from the date of appointment and placement in the gradation list, unless otherwise altered in accordance with law. The gradation list, being the foundational



document reflecting inter se seniority, is required to be read in conjunction with the recommendations of the DPC while determining promotional rights. He also submits that once the petitioner was initially appointed earlier, placed above respondent No.4 in the appointment order, continuously reflected as senior in the gradation lists, and subsequently promoted on the recommendation of the Review DPC with effect from the same date, there was no occasion for the authorities to reverse the seniority after nearly a decade. Such interference, without affording cogent reasons and without any change in statutory provisions, amounts to arbitrary exercise of power and is liable to be set aside. Reliance has been placed upon the judgment rendered by the Hon'ble Supreme Court in ***V. Vincent Velankanni v. Union of India and others, 2024 SCC OnLine SC 2642***, to buttress his submissions.

6. On the other hand, Mr. Dilman Rati Minj, learned Deputy Advocate General appearing for the State/respondents No.1 to 3, vehemently opposes the submissions advanced by learned counsel for the petitioner. He submits that though the petitioner was initially appointed as Lower Division Clerk and was thereafter promoted to the post of Upper Division Clerk, the crucial aspect which governs further promotion in the Accounts cadre is the requirement of having passed the prescribed Accounts Training. He further submits that admittedly, at the relevant point of time, the petitioner had not cleared the mandatory Accounts Training



examination. Although he may have been senior to respondent No.4 in the general clerical gradation list and was promoted to the post of Assistant Grade-I, he did not fulfill the essential eligibility criteria for promotion to the post of Junior Accounts Officer. It is contended that as per the applicable service rules and departmental scheme, only those officers who had successfully completed the Accounts Training were eligible to be considered for promotion to the post of Junior Accounts Officer. Those who were not Accounts Trained were to continue in the mainstream ministerial cadre and were eligible for promotion to the post of Assistant Superintendent and higher posts in that channel.

7. Mr. Minj contended that respondent No.4 had cleared the requisite Accounts Training and, therefore, was rightly promoted to the post of Junior Accounts Officer on 13.06.2007 in accordance with the applicable rules. In contrast, the petitioner, not being Accounts Trained, was not eligible at that time to be considered for such promotion. Though subsequently, upon representation and review, the petitioner was granted promotion to the post of Junior Accounts Officer, such promotion, according to the State, cannot automatically entitle him to claim seniority over respondent No.4, who was promoted earlier on the basis of fulfilling the prescribed qualifications. It is further submitted that when the petitioner initially raised a grievance with regard to his seniority, a three-member committee was constituted to examine the issue, and on the basis of the report submitted, the petitioner was provisionally



placed above respondent No.4 in the gradation list. However, thereafter, when respondent No.4 submitted a representation, the authorities undertook a detailed scrutiny of the gradation list and relevant service records. Upon reconsideration, it was found that respondent No.4, having been promoted on account of his Accounts Training qualification, was entitled to be placed senior to the petitioner in the cadre of Junior Accounts Officer in terms of the amended Rule 12(b) of the Chhattisgarh Civil Services (General Conditions of Service) Rules, 1961.

8. It is argued by Mr Minj that the impugned order dated 23.08.2023 is a well-reasoned order passed after taking into consideration not only the case of the petitioner and respondent No.4 but also similarly situated employees who were appointed along with the petitioner. Upon overall review of inter se seniority and the applicable statutory provisions, it was found that respondent No.4, as well as one Arvind Khalkho, were entitled to rank senior to the petitioner in the cadre of Junior Accounts Officer. He lastly submits that respondent No.4 has since retired from service and, therefore, the challenge to the gradation list, insofar as it relates to the inter se seniority between the petitioner and respondent No.4, has virtually become academic and redundant. In view of the amended statutory rules, the qualification requirement, and the detailed consideration reflected in the impugned order, it is contended that the present petition is devoid of merit and is liable to be dismissed.



- 9.** Mr. Aniket Verma, learned counsel appearing for respondent No.4 concurs with and adopts the submissions advanced by learned Deputy Advocate General for the State/respondents No.1 to 3. He submits that respondent No.4 was duly qualified and had successfully completed the prescribed Accounts Training at the relevant time, and therefore was eligible to be considered and promoted to the post of Junior Accounts Officer strictly in accordance with the applicable service rules. It is further submitted that the petitioner, not having cleared the mandatory Accounts Training examination at the relevant point of time, could not have been lawfully considered for promotion to the post of Junior Accounts Officer, and any subsequent placement of the petitioner above respondent No.4 in the gradation list was contrary to the statutory provisions. Learned counsel would submit that the impugned order dated 23.08.2023 has been passed after proper consideration of the amended rules and the factual position relating to eligibility and qualification, and does not suffer from any illegality or arbitrariness warranting interference. He, therefore, submits that the writ petition is misconceived and is liable to be dismissed.
- 10.** I have heard learned counsel for the petitioner as well as learned counsel appearing for the respective respondents and have perused the pleadings and documents placed on record.
- 11.** From a perusal of the entire record, it transpires that at the initial



stage of appointment, the petitioner was undoubtedly senior to respondent No.4, as is evident from the appointment order dated 11.03.1987 and the subsequent gradation lists. However, the controversy arises at the stage of promotion to the post of Junior Accounts Officer. The material placed on record demonstrates that respondent No.4 had successfully completed the mandatory Accounts Training, whereas the petitioner had not cleared the said training at the relevant point of time.

- 12.** It further appears that on account of the said qualification, respondent No.4 was found eligible and was promoted to the post of Junior Accounts Officer in accordance with the applicable service rules. Though the petitioner was subsequently promoted to the said post pursuant to a review process, insofar as inter se seniority in the cadre of Junior Accounts Officer is concerned, the impugned order reflects that the authorities have taken into consideration the requirement of Accounts Training and the amended provisions of Rule 12(b) of the Chhattisgarh Civil Services (General Conditions of Service) Rules, 1961. From the impugned order as well as the pleadings of both sides, it appears that owing to non-possession of the Accounts Training Certificate at the relevant time, respondent No.4 was treated as senior in the cadre of Junior Accounts Officer.
- 13.** At present, it is an admitted position that respondent No.4 has already retired from service. In such circumstances, the issue



relating to inter se seniority between the petitioner and respondent No.4 would hardly have any substantial or practical impact on the service career of the petitioner so far as promotional avenues are concerned. Considering the overall facts and circumstances of the case, this Court is of the opinion that the impugned order dated 23.08.2023, which has been challenged by the petitioner, does not warrant interference in exercise of writ jurisdiction.

- 14.** However, it cannot be lost sight of that the petitioner has already been promoted to the post of Junior Accounts Officer and has been working on the said post for a considerable period of time. After the superannuation of respondent No.4, the question of disturbing the existing seniority structure at this belated stage—after nearly a decade of promotion—would not be appropriate. The rights accrued in favour of the petitioner by virtue of long continuance on the promotional post cannot lightly be unsettled.
- 15.** Accordingly, while declining to interfere with the impugned order, it is directed that the respondent authorities shall consider the case of the petitioner for any consequential or future service benefits, if admissible in accordance with law, particularly in view of the retirement of respondent No.4. It is observed that reopening the seniority dispute at this stage, after substantial lapse of time, would be unjust, improper, and contrary to settled principles governing service jurisprudence.
- 16.** The aforesaid view finds support from the judgment of the Hon'ble



Supreme Court in **V. Vincent Velankanni** (supra), wherein the Hon'ble Supreme Court reiterated the well-settled principles governing determination of seniority. The Hon'ble Supreme Court held that once an incumbent is appointed to a post in accordance with the rules, his seniority has to be reckoned from the date of his initial appointment and not from the date of confirmation, unless the rules specifically provide otherwise, by observing as follows :-

*“30. It is a well-settled proposition that once an incumbent is appointed to a post according to the rules, his seniority has to be reckoned from the date of the initial appointment and not according to the date of confirmation, unless the rules provide otherwise.*

*31. In the case of L. Chandrakishore Singh v. State of Manipur, (1999) 8 SCC 287, this Court held that in cases of probationary or officiating appointments which are followed by a confirmation, unless a contrary rule is shown, the services rendered as the officiating appointment or on probation cannot be ignored while reckoning the length of service for determining the position in the seniority list. This view has been reiterated in the case of Ajit Kumar Rath v. State of Orissa, (1999) 9 SCC 596.*

*32. The Constitution Bench of this Court in Direct Recruit Class II Engg Officers' Assn. (supra) stated the legal position with regard to inter se seniority of direct recruits and*



*promotees and while doing so, inter alia, it was held that once an incumbent is appointed to a post according to rules, his seniority has to be counted from the date of his appointment and not according to the date of his confirmation.*

*33. This Court summarised the legal principles with regard to the determination of seniority in Pawan Pratap Singh v. Reevan Singh, (2011) 3 SCC 267 in the following terms:*

*45. From the above, the legal position with regard to determination of seniority in service can be summarised as follows:*

*(i) The effective date of selection has to be understood in the context of the service rules under which the appointment is made. It may mean the date on which the process of selection starts with the issuance of advertisement or the factum of preparation of the select list, as the case may be.*

*(ii) Inter se seniority in a particular service has to be determined as per the service rules. The date of entry in a particular service or the date of substantive appointment is the safest criterion for fixing seniority inter se between one officer or the other or between one group of officers and the other recruited from different sources. Any departure therefrom in the statutory rules, executive instructions or otherwise must be consistent with the requirements of Articles 14 and 16 of the Constitution.*



*(iii) Ordinarily, notional seniority may not be granted from the backdate and if it is done, it must be based on objective considerations and on a valid classification and must be traceable to the statutory rules.*

*(iv) The seniority cannot be reckoned from the date of occurrence of the vacancy and cannot be given retrospectively unless it is so expressly provided by the relevant service rules. It is so because seniority cannot be given on retrospective basis when an employee has not even been borne in the cadre and by doing so it may adversely affect the employees who have been appointed validly in the meantime.*

*34. Thus, it is trite that when an employee completes the probation period and is confirmed in service albeit with some delay, the confirmation in service shall relate back to the date of the initial appointment. Any departure from this principle in the form of statutory rules, executive instructions or otherwise must be consistent with the requirements of Articles 14 and 16 of the Constitution of India.*

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*45. This Court has time and again dealt with the effect of altering the seniority list at a belated stage and how it may adversely affect the employees whose seniority and rank has been determined in the meantime. In this*



connection, reference may be made to *Malcom Lawrence Cecil D'Souza v. Union of India*, (1976) 1 SCC 599, wherein this Court held that:

*“9. Although security of service cannot be used as a shield against administrative action for lapses of a public servant, by and large one of the essential requirements of contentment and efficiency in public services is a feeling of security. It is difficult no doubt to guarantee such security in all its varied aspects, it should at least be possible to ensure that matters like one's position in the seniority list after having been settled for once should not be liable to be reopened after lapse of many years..... Raking up old matters like seniority after a long time is likely to result in administrative complications and difficulties. It would, therefore, appear to be in the interest of smoothness and efficiency of service that such matters should be given a quietus after lapse of some time.”*

46. In *R.S. Makashi v. I.M. Menon*, (1982) 1 SCC 379, this Court observed as follows:

*“33. .... We must administer justice in accordance with law and principles of equity, justice and good conscience. It would be unjust to deprive the respondents of the rights which have accrued to them. Each person ought to be entitled to sit back and consider that his appointment and promotion effected a long time ago would not be set aside after the lapse of a number of years.*



....”

47. *In K.R. Mudgal v. R.P. Singh, (1986) 4 SCC 531, this Court observed in the following terms:*

*“2. ... A government servant who is appointed to any post ordinarily should at least after a period of 3 or 4 years of his appointment be allowed to attend to the duties attached to his post peacefully and without any sense of insecurity.”*

48. *In B.S. Bajwa v. State of Punjab, (1998) 2 SCC 523, this Court held that the seniority list should not be reopened after a lapse of reasonable period as it would disturb the settled position which is unjustifiable. The relevant extract is as follows:*

*“7. ... It is well settled that in service matters the question of seniority should not be reopened in such situations after the lapse of a reasonable period because that results in disturbing the settled position which is not justifiable....”*

17. Applying the aforesaid principles to the facts of the present case, this Court finds that the dispute essentially pertains to inter se seniority in the cadre of Junior Accounts Officer, which had remained settled for a considerable period of time and upon which the parties had acted. The petitioner has already been promoted and has continued to discharge duties on the promotional post. Respondent No.4 has since superannuated. In such circumstances, reopening the issue of seniority at this belated



stage, particularly after lapse of nearly a decade from the date of promotion and after retirement of the contesting private respondent, would not be in consonance with the settled law laid down by the Hon'ble Supreme Court.

- 18.** The judicial pronouncements consistently emphasize that seniority, once settled and allowed to operate for years, should not be lightly disturbed. Administrative stability, certainty in service conditions, and protection of accrued rights are essential facets of fair service jurisprudence. Courts have repeatedly cautioned that raking up old seniority disputes after long lapse of time not only creates avoidable complications but also unsettles vested and accrued rights of employees who have arranged their careers on the basis of the existing position.
- 19.** In the present case, though the petitioner was initially senior in the general cadre, respondent No.4's placement above the petitioner in the cadre of Junior Accounts Officer was based on possession of Accounts Training qualification and interpretation of the applicable service rules. The impugned order reflects that the competent authority has examined the issue in light of the amended statutory provisions and has assigned reasons for its conclusion. This Court, in exercise of jurisdiction under Article 226 of the Constitution of India, does not find such perversity or manifest illegality in the impugned order so as to warrant interference.



20. At the same time, it is equally necessary to ensure that the petitioner does not suffer prejudice in relation to any service benefits which may become admissible to him independently, particularly in view of the retirement of respondent No.4. Since the petitioner has already been promoted and has been functioning on the promotional post for long, the respondent authorities are directed to consider his case for all consequential and future service benefits, if otherwise admissible in accordance with the applicable rules, without being adversely influenced by the earlier seniority dispute.
21. Accordingly, with the aforesaid observations and directions, the writ petition stands **disposed of**.
22. There shall be no order as to costs.

**Sd/-**  
**(Amitendra Kishore Prasad)**  
**Judge**

Yogesh

The date when the judgment is reserved	The date when the judgment is pronounced	The date when the judgment is uploaded on the website	
		Operative	Full
12.02.2026	28.02.2026	-----	28.02.2026