



CGHC010321822026

2026:CGHC:39214

AFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

Order Reserved on	:	24 th August, 2026
Order delivered on	:	7 th September, 2026
Order uploaded on	:	7 th September, 2026

WPS No. 6238 of 2026

- 1** - Ashish Banjare S/o Rajkumar Banjare Aged About 32 Years R/o Village Bhilai, Post Dongari, Tehsil Baloda, Distt. Janjgir Champa, C.G., Presently Working As Junior Engineer At O/o S.E. (E And T) Korba.
- 2** - Chhagan Lal Thakur S/o Vishnu Singh Thakur Aged About 32 Years R/o Qtr. No. Sd-121 C-D Type Cseb Colony Korba C.G., Presently Working As Junior Engineer At O/o Se (C And I) Dspm Korba.
- 3** - Monica Sai W/o Yashwant Kumar Mahile Aged About 37 Years R/o Cseb Colony Cd Type, Q. No. Sd 132, C.G., Presently Working Ad Junior Engineer At O/o Se Turbine, Dspm Tps Ke, Chhattisgarh.
- 4** - Kaleshwer Singh S/o Shri Bahal Singh Aged About 32 Years R/o Vill. And Post Sarbhoka, Tahsil Patna, Distt. Koriya, C.G., Presently Working As Junior Engineer At Chp Operation Dspm Korba East, Korba, Chhattisgarh.
- 5** - Sonu Bhagat S/o Satyanarayan Bhagat Aged About 31 Years R/o

Darima, Ambikapur, C.G., Presently Working As Junior Engineer At O/o S.E. (E And T) Korba.

6 - Siddharth Dhruw S/o Arun Kumar Dhruw Aged About 34 Years R/o H/no. 353 Avanti Vihar, Vijay Nagar Chowk, Raipur, C.G. Presently Working As Junior Engineer At Bmd, Dspm Tps Korba East, Korba, Chhattisgarh.

7 - Justin Ekka S/o Refenius Ekka Aged About 36 Years R/o Nc 70 Cseb Colony Korba C.G., Presently Working As Junior Engineer At O/o Se (C And I), 2x250 Mw, Dspm, Korba, Chhattisgarh.

8 - Bhanu Pratap Banjare S/o M.D Banjare Aged About 37 Years R/o Q. No. Nd-70 C.S.E.B. Colony, Korba East, Presently Working As Junior Engineer At O/o Se (Operation), 2x500 Mw Abvtps Marwa, Janjgir Champa, C.G.

9 - Varsha Rani Bhagat D/o Dau Ram Bhagat Aged About 32 Years R/o Pt. Dindayal Colony Dhimrapur Raigarh C.G., Presently Working As Junior Engineer At O/o Se (Ahp), Dspm Tps Korba East, Chhattisgarh.

10 - Gaurav Ekka S/o Dilip Sai Ekka Aged About 31 Years R/o Oe 55, Cseb Colony, Korba East, Korba 495677 C.G., Presently Working As Junior Engineer At O/o S.E. (Boiler) 1x500 Mw, Htps, Korba West, Chhattisgarh.

11 - Aman Kishor S/o Lt. Shri Jagdev Ram Aged About 31 Years R/o Village Kerju, Tahsil And Police Station - Sitapur, District Surguja Chhattisgarh Presently Working As Junior Engineer At O/o Se, Chp Ext (Oprn), Htps, Korba West Chhattisgarh.

12 - Ashish Gond S/o Shri Hem Narayan Gond Aged About 30 Years R/o D-209 Annapurna Vihar Cseb Colony Darri, Tehsil - Katghora, Distt -

Korba Chhattisgarh, Presently Working As Junior Engineer At O/o Se Chp External (Operation), Htps Korba West, Korba Chhattisgarh.

13 - Chuman Das Bharti S/o Biharuram Aged About 31 Years R/o C/o Biharuram, Village Charpara, Tehsil - Malkharodha, Distt. Sakti Chhattisgarh Presently Working As Junior Engineer At O/o Se Chp External Operation Htps Korba West Chhattisgarh.

14 - Roshan Mandavi S/o Shyam Singh Mandavi Aged About 33 Years R/o Kaladabri, Post - Dumardih Khurd, Tahsil And District - Rajnandgaon, Police Station - Ghumka Chhattisgarh Presently Working As Junior Engineer At O/o Chp External Operation, Htps, Korba West, Korba Chhattisgarh

15 - Pradeep Kumar Tigga S/o Purusottam Aged About 30 Years R/o D-226 Htps Colony Anpurna Vihar, Near Lal Maidan Korba West Chhattisgarh Presently Working As Junior Engineer At Se(Tmd Iii) Ee (Bop) 1x500 Mw Htps Korba (West) Chhattisgarh.

16 - Ashish Kumar S/o Amrit Sai Aged About 33 Years R/o Village Kharkata Po Tamta, Tehsil Pathalgaon, District Jashpur, Chhattisgarh. Presently Working As Junior Engineer At O/o S.E. (Tur-Ii) Bop Htps Kw, C.G.

17 - Ritu Painkra D/o Late Dhaneshwar Sai Aged About 36 Years R/o H No. 6/94 Indira Nagar, Rampur Road, Raigarh Chhattisgarh. Presently Working As Junior Engineer At O/o S.E. (Operation) Ii, 1x55 Mw Htps Kw, Chhattisgarh.

18 - Yaminee Khute D/o Kedar Nath Khute Aged About 31 Years R/o Village Post Nagpura, District - Durg Chhattisgarh Presently Working As Junior Engineer At O/o S.E.(Oprn-I), Htps Korba Korba (West) Chhattisgarh.

19 - Akshay Kumar Ekka S/o Kishor Kumar Ekka Aged About 31 Years R/o H. No. 678 Tapkara Road Kunkuri Distt - Jashpur Chhattisgarh Presently Working As Junior Engineer At O/o Se Chp Emd Htps, Korba West, Korba Chhattisgarh

20 - Annu Mary Tigga D/o Augustus Tigga Aged About 33 Years R/o House No. 172, In Front Of Makhan Vihar, M.G. Road, Ward No. 01, Bhagwanpur Kala, Ambikapur, Distt - Surguja, Police Station Gandhi Nagar Chhattisgarh Presently Working As Junior Engineer At O/o S.E. (Oprn-I) 4x210 Mw Htps Kwb, Korba West, Korba Chhattisgarh.

21 - Anjuman Joy W/o Utkarsh Tirkey Aged About 32 Years R/o D-233, Annapurna Vihar, Htps Colony, Korba West 495450 Chhattisgarh Presently Working As Junior Engineer At O/o Se Oprn-III Dm Plant 1x500 Mw Htps, Korba West, Korba Chhattisgarh.

22 - Utkarsh Tirkey S/o Shri Shanti Prakash Tirkey Aged About 33 Years R/o D-233, Htps Colony, Darri, Korba C.G., Presently Working As Junior Engineer At O/o Se (C And I-II), Htps, Korba West, Korba Chhattisgarh.

23 - Manoj Chauhan S/o Kanhaiya Lal Chauhan Aged About 35 Years R/o D-282, Annapurna Vihar, Htps Colony, Korba West, Chhattisgarh. Presently Working As Junior Engineer At O/o S.E.(Boiler I) 2x210 Mw Htps Kw, C.G.

24 - Kiran Bhandari W/o Tomson Gaur Aged About 33 Years R/o Annapurna Vihar, Htps Colony, Darri, Korba West Korba Chhattisgarh, Presently Working As Junior Engineer At O/o Se Oprn3 1x500mw Htps Korba (West) Chhattisgarh.

25 - Sachin Paikera S/o P.L. Paikera Aged About 32 Years R/o Shreeji Kalptaru Phase-2 House No. 1 Amlidih Raipur Chhattisgarh Presently Working As Junior Engineer At O/o S.E. (C And I-II) 1x500mw Htps Korba West Chhattisgarh.

26 - Chakradhar Paraja S/o Dukharam Paraja Aged About 45 Years R/o Q. No. Nd - 57, Cd Type, C.S.P.G.C.L. Colony, Kosabadi Korba East, Chhattisgarh. Presently Working As Junior Engineer At O/o S.E. (O And M) H.B.H.P.S. Machadoli, Korba, Chhattisgarh.

27 - Madhuri Kanwar W/o Ratan Lal Verma Aged About 37 Years R/o C/o Ratan Lal Verma, 1241t Ward No. 61, Adarsh Vihar, Adarsh Nagar, Korba, District Korba Pin Code 495454 Chhattisgarh Presently Working As Junior Engineer At O/o Se Oprn-iii 1x500mw Htps Korba West Chhattisgarh.

28 - Geetanjali Urwasha D/o Rajesh Kumar Urwasha Aged About 35 Years R/o A-2, Cross Street-3, Ashish Nagar (West), Risali, Tehsil/ District Durg Chhattisgarh Presently Working As Junior Engineer At O/o Se Oprn-ii, Htps Korba (West) Chhattisgarh.

29 - Nitin Devdas S/o Ramnarayan Devdas Aged About 33 Years R/o H. No. 150 Halba Post Narharpur, Distt. Kanker Chhattisgarh, Presently Working As Junior Engineer At O/o Se Ahp-li 1x500 Mw Htps Korba West, Korba Chhattisgarh.

30 - Sanjeev Tigga S/o Jaggu Tigga Aged About 36 Years R/o H No. 195/1a Pallotti Vihar, Rumgara, Tehsil - Korba, Police Station - Balco Township District - Korba, Pin Code - 495684 Chhattisgarh, Presently Working As Junior Engineer At O/o Ace Ah-li 1x500 Mw Korba West Extension Chhattisgarh.

31 - Rakshak Deep S/o B. Ram Aged About 31 Years R/o House No. 723/14, Indira Nagar, Jamnipali, Korba, C.G., Presently Working As Junior Engineer At O/o Se (Boiler), 1x500mw, Htps, Korba West, Chhattisgarh.

32 - Shivshankar Bhagat S/o Jogendar Bhagat Aged About 34 Years

R/o Village - Dumar Toil Post - Dodka Tehsil - Kansabel District - Jashpur 496223 Chhattisgarh Presently Working As Junior Engineer At Se O/o Se Ah-li. 1x500mw, Htps, Korba West, Korba Chhattisgarh.

33 - Rahul Minj S/o Alexander Minj Aged About 36 Years R/o Q. No. Ob - 13 C.S.E.B. Colony, Korba East, Chhattisgarh. Presently Working As Junior Engineer At O/o Addl. Cf Fm Dspm Tps, Korba East.

34 - Vikas Kumar S/o Tijau Ram Aged About 36 Years R/o Pairi Vihar, Block 5, Quarter No. D 44, Cspgcl Colony Basantpur (C.G.), Presently Working As Junior Engineer At O/o Se (Operation) Abvtps.

35 - Manoj Kumar Thakur S/o Ramlal Thakur Aged About 30 Years R/o Qtr No 1f Street 39a Sector 7 Bhilai Nagar, Tehsil Bhilai Nagar, Police Station - Sector 6, District Durg (C.G.), Presently Working As Junior Engineer At O/o S.E. Boiler, Abvtps Marwa Champa.

36 - Gandhi Budheshwar Singh S/o Nohar Sai Aged About 44 Years R/o Village - Chiranga, Tehsil - Batauli, Thana - Batauli, Distt. - Surguja, (C.G.) Pin - 497101, Presently Working As Junior Engineer At O/o Se (Turbine), Abvtps, Marwa.

37 - Kunal Jangde S/o Shivcharan Jangde Aged About 34 Years R/o Village Mehendi Post Bundela Via Kharod Tehsil Pamgarh Janjgir Champa (C.G.), Presently Working As Junior Engineer At O/o Se (Turbine), Abvtps, Marwa.

38 - Chandrakant Thakur S/o Jageshwar Lal Thakur Aged About 39 Years R/o Village - Ghumka, Ward No. 11, P.O. Jaganthpur Sankra Distt. - Balod (C.G.), Presently Working As Junior Engineer At O/o Se (C And I) Abvtps Marwa.

39 - Bhanu Pratap Ghritlahare S/o Phool Chand Ghritlahare Aged About 35 Years R/o Near The Church Of God, Pil Road Bhojpur Champa Distt.

Janjgir Champa (C.G.), Presently Working As Junior Engineer At O/o Se
(Operation), 2x500 Mw Abvtps Marwa Janjgir Champa (C.G.)

... **Petitioner(s)**

versus

1 - State Of Chhattisgarh Through The Principal Secretary, Department
Of Energy, Government Of Chhattisgarh, Mantralaya, Mahanadi
Bhawan, Nava Raipur Atal Nagar, District Raipur, Chhattisgarh.

2 - Chhattisgarh State Power Generation Company Limited
(C.S.P.G.C.L.) Through Its Managing Director, Dangania, Raipur, District
Raipur, Chhattisgarh.

3 - Chhattisgarh State Power Transmission Company Limited
(C.S.P.T.C.L.) Through Its Managing Director, Dangania, Raipur, District
Raipur, Chhattisgarh

4 - Chief Engineer (Human Resources) Chhattisgarh State Power
Generation Company Limited, Dangania, Raipur, Chhattisgarh.

5 - Chief Engineer Chhattisgarh State Power Transmission Company
Limited, Raipur, Chhattisgarh.

... **Respondents**

(Cause title is taken from Case Information System)

For Petitioners	:Mr. Manoj Paranjpe, Senior Advocate alongwith Mr. Anshul Tiwari, Advocate
For Respondent/ State	:Ms. Sakshi Bajpai, Panel Lawyer
For Respondents No.2 & 4	:Mr. Prafull N. Bharat, Senior Advocate alongwith Mr. Varun Sharma and Mr. K.K. Tandon, Advocates
For Respondents No.3 & 5	:Mr. K.R. Nair, Advocate

(HON’BLE SHRI JUSTICE BIBHU DATTA GURU)

CAV Order

1. By the present writ petition, the petitioners are seeking for the following reliefs :-

“1] That, this Hon'ble Court may kindly be pleased to issue an appropriate writ, order or direction, particularly a Writ of Certiorari, quashing and setting aside the impugned order dated 05.05.2025 issued by the Chief Engineer, Chhattisgarh State Power Transmission Company Limited, whereby the promotional quota for appointment to the post of Assistant Engineer was reduced from 70% to 40% (Annexure P/3).

2] That, this Hon'ble Court may kindly be pleased to issue an appropriate writ, order or direction, particularly a Writ of Certiorari, quashing and setting aside the subsequent impugned order dated 22.07.2026 issued by the Chief Engineer, Chhattisgarh State Power Transmission Company Limited, whereby the revised quota for filling up the post of Assistant Engineer was finally determined as 40% through promotion, 50% through direct recruitment and 10% through departmental recruitment as far as it concerns CSPGCL (Generation) (Annexure P/2).

3] That, this Hon'ble Court may kindly be pleased to issue an appropriate writ, order or direction, particularly a Writ of Certiorari, quashing and setting aside the consequential recruitment advertisement/notice dated 07.08.2026 issued by the Chief Engineer, Chhattisgarh State Power Transmission Company Limited, insofar as it proposes to fill up the notified 60 posts of Assistant Engineer (Generation), CSPGCL through direct recruitment, to the extent that such recruitment is contrary to the lawful promotional quota and prejudicially affects the Petitioners' right to consideration for promotion (Annexure P/1).

4] That, this Hon'ble Court may kindly be pleased to issue

an appropriate writ, order or direction directing the Respondents to restore and implement the promotional quota of 70% for filling up the posts of Assistant Engineer, as prescribed under the earlier decision/resolution communicated vide memo dated 19.03.2021 and Petitioners should be considered for promotion to Assistant Engineer as per the earlier rule of 70% quota for promotion.

5] That, this Hon'ble Court may kindly be pleased to grant any other relief(s), which is deemed fit and proper in the aforesaid facts and circumstances of the case.”

2. (a) Learned Senior Counsel appearing for the petitioners would submit that the petitioners are serving as Junior Engineers (Plant) under the Chhattisgarh State Power Generation Company Limited (CSPGCL) and were appointed in the year 2018, thereafter regularized and confirmed in service. It is submitted that, pursuant to the decision of the Board of Directors (BoD) communicated vide memo dated 19.03.2021, a substantial quota of 70% of the posts of Assistant Engineer was earmarked to be filled up through promotion, thereby providing promotional avenues to eligible employees working in the feeder cadre i.e. Junior Engineers. The petitioners, having completed the requisite period of service, were duly included in the gradation list dated 21.02.2024 and became eligible for consideration for promotion. Learned counsel appearing for the petitioners would submit that by order dated 05.05.2025, the quota of promotion of Junior Engineer to the post of Assistant Engineer has been reduced from 70% to 40%, and despite the said fact, 23 Junior Engineers were promoted to the post of Assistant Engineers by order dated 20.04.2026 as per the

quota fixed earlier. Thus, from the said fact, it appears that the respondent authorities are acting in an illegal and arbitrary manner.

(b) Learned Senior Counsel further submits that, despite the aforesaid position, the respondents, vide order dated 05.05.2025, reduced the promotional quota, in respect of the subject post, from 70% to 40%, which was subsequently confirmed vide order dated 22.07.2026 by prescribing 40% quota for promotion, 50% for direct recruitment and 10% for departmental recruitment. It is contended that the said reduction has substantially curtailed the promotional avenues of the petitioners, who are duly qualified, experienced and have completed the requisite qualifying service. The consequential advertisement dated 07.08.2026 proposing direct recruitment to 60 posts of Assistant Engineer is also challenged to the extent it adversely affects the petitioners' right to consideration for promotion.

(c) Learned counsel would also submit that the justification given by the respondents for increasing the direct recruitment quota is untenable, as the organization already has a pool of qualified and experienced Junior Engineers, including the present petitioners, possessing the requisite educational and technical qualifications. It is, therefore, submitted that the reduction of the promotional quota from 70% to 40% is arbitrary, unreasonable and contrary to the legitimate promotional avenues of the petitioners. The petitioners accordingly seek quashing of the impugned orders

dated 05.05.2025 and 22.07.2026 and the consequential recruitment advertisement dated 07.08.2026, and further seek restoration of the earlier 70% promotional quota and consideration of their cases for promotion in accordance therewith.

(d) In support of his contention, learned Senior Counsel placed reliance upon the decision rendered by the Supreme Court in ***State of Punjab vs. Bandheep Singh and Others reported in (2016) 1 SCC 724, A. Satyanarayana and Others vs. S. Purushotham and Others reported in (2008) 5 SCC 416*** and the decision rendered by this Court in ***Dr. Shashikala Kosam & Ors. vs. State of Chhattisgarh & Ors. (decided on 12.09.2025), Vidyasagar Ratre & Ors. vs. State of Chhattisgarh & Anr. (decided on 14.07.2026).***

3. (i) *Per contra*, learned Senior Counsel appearing for respondent Nos. 2 & 4 opposes the aforesaid submissions and submits that the impugned orders dated 05.05.2025 and 22.07.2026 have merely restructured the quota for recruitment to the post of Assistant Engineer and have not taken away the petitioners' right to be considered for promotion. It is submitted that the petitioners have no vested or indefeasible right to promotion or to insist upon continuation of the earlier promotional quota of 70%, as mere chances of promotion do not constitute a condition of service. Learned Senior Counsel submits that reduction in chances of promotion, by itself, does not give rise to any enforceable right.

(ii) Learned Senior Counsel further submits that under the revised policy, 40% of the posts have been reserved for promotion and 10% for departmental recruitment, and therefore the promotional avenue of the petitioners has not been completely taken away. It is submitted that the decision to earmark 50% of the posts for direct recruitment has been taken in view of the requirement of qualified engineers for the upcoming projects of the Company, including the new power plants and pump storage projects. The direct recruitment process is intended to secure candidates having the requisite qualifications and training, and the alteration of the quota falls within the policy domain of the employer, warranting limited judicial interference.

(iii) Learned counsel further submits that the petitioners have failed to show violation of any vested right under Articles 14 or 16 of the Constitution. While the right to be considered for promotion is a condition of service, mere chances of promotion are not, as held by the Supreme Court in ***State of Maharashtra v. Chandrakant Anant Kulkarni, (1981) 4 SCC 130***. The authority competent to frame rules is equally competent to amend them, and *mala fides* cannot be attributed to the legislature. According to the learned Senior Counsel pursuant to the advertisement floated for direct recruitment of Assistant Engineers, the petitioners, if so desires and fulfills the requisite eligibility criteria, may apply and participate in the said selection process.

(iv) Learned Senior Counsel would also submit that the petitioners

have neither pleaded nor demonstrated that the impugned decision is arbitrary, *mala fide* or otherwise contrary to law. Thus, no vested right of the petitioners has been infringed and the impugned advertisement dated 07.08.2026 cannot be interdicted merely on the ground of reduction in promotional prospects. He would also submit that the direct recruits have entirely different training in respect of panel operation etc. and the same is directly helpful in the new power plants and pump storage projects. The direct recruitment of Assistant Engineers based on All India competition and there is every possibility of selection of more suitable candidates.

(v) Learned counsel appearing for the respondent would submit that though the promotion order issued on 20.04.2026 i.e. after change of fixation of quota on 05.05.2025, but, much prior to that, the DPC was convened wherein 23 Junior Engineers were found for promotion to the post of Assistant Engineer and hence, it cannot be said that after change of the criteria in fixation of the quota, the promotion order has been passed. He would submit that prior to appointment of the petitioners in the year 2018 the fixation of criteria was 40% for promotion, 50% for direct recruitment and 10% through departmental examination. But subsequently in the year 2021, it was changed and fixed that 70% for promotion 20% for direct recruitment and 10% through departmental examination. Subsequently, the Authorities after considering that owing to the upcoming new plants (2X60 MW) as

also for the Pump Storage Projects, the Graduate Engineers are required to look after the proper maintenance of the protects, they decided to restore the earlier adopted ratio i.e. 40% for promotion, 50% direct recruitment and 10% through departmental examination. He would submit that the said decision has been taken by the authorities after considering all the aspects of the matters and for the betterment of the plants. He would submit that the action taken by the respondent is purely an administrative and policy decision keeping in view the requirement of qualified engineers for the upcoming projects of the company. It is, therefore, prayed that the writ petition deserves to be dismissed.

(vi) In support of his contention, learned Senior Counsel placed reliance upon the decision rendered by the Supreme Court in ***Bhavesh D. Parish and Others vs. Union of India and Another reported in (2000) 5 SCC 471, Deoraj vs. State of Maharashtra and Others reported in reported in (2004) 4 SCC 697, The Telangana Residential Educational Institutions Recruitment Board vs. Saluvadi Sumalatha & Anr. reported in 2024 INSC 176, State of Odisha and Others vs. Sreepati Ranjan Dash reported in 2026 SCC OnLine SC 879, Ramchandra Shankar Deodhar and others vs. The State of Maharashtra and others reported in (1974) 1 SCC 317*** and in the decision rendered by this Court in ***Anil Chhari and others vs State of Chhattisgarh and others reported in 2024 SCC OnLine Chh 2670, Bashil Minj and others vs. State of Chhattisgarh and others reported***

in 2026 SCC OnLine Chh 2610.

4. Learned counsel appearing for respondent Nos. 3 & 5 would support the aforesaid submissions made on behalf of respondent Nos. 2 & 4 and submits that no interference is warranted with the impugned orders or the recruitment process.
5. I have heard learned counsel for the parties and considered their rival submissions made herein-above and also went through the record with utmost circumspection.
6. The principal grievance of the petitioners is against reduction of the promotional quota for the post of Assistant Engineer from 70% to 40% and the consequential increase in the quota for direct recruitment. It is not in dispute that the petitioners, being Junior Engineers, are eligible to be considered for promotion to the post of Assistant Engineer. However, mere eligibility for consideration does not confer any vested or indefeasible right to promotion, nor does an employee have a right to insist that a particular percentage of vacancies must continue to be filled by promotion. The earlier quota of 70%, which was in operation pursuant to the decision dated 19.03.2021, cannot be treated as an immutable service condition.
7. The respondents have explained that the revised quota has been prescribed as a matter of administrative and policy decision, keeping in view the requirement of qualified engineers for the upcoming projects of the Company. Significantly, the revised arrangement does not completely take away the promotional

avenue of the petitioners, as 40% of the posts continue to be earmarked for promotion and 10% for departmental recruitment. The fact that the petitioners may have a reduced chance of promotion on account of the revised quota, by itself, cannot furnish a ground for judicial interference, unless the policy decision is shown to be arbitrary, mala fide or contrary to any statutory provision. In the present case, no such material has been placed before this Court. The promotion of 23 Junior Engineers vide order dated 20.04.2026, pursuant to a process initiated earlier, also does not create any vested right in favour of the petitioners to claim continuation of the earlier quota. Even if the petitioners having the requisite eligibility criteria, they may also apply and participate in the direct recruitment process initiated pursuant to the impugned advertisement.

8. As far as the contention of the petitioners with regard to reduction of quota of promotional avenues is concerned, it is noteworthy to mention here that the petitioners appointed in the year 2018 on the post of Junior Engineers. At that time the quota for promotion was 40%, however, subsequently in the year 2021, it was enhanced to 70%. Thereafter, looking to the several aspects of the matters a detailed note was prepared in the year 2024 and it was proposed to restore the earlier quota of 40% for promotion and pursuant to the said proposal, a meeting was convened on 08.04.2025 and passed the resolution under Agenda No. 117/07 and pursuant to the said resolution, the order was passed on

05.05.2025.

9. For the sake of convenience, the note, resolution under Agenda No. 117/07 and the order dated 05.05.2025 are quoted below:

Note of the Department

“विषय:- सहायक अभियंता के पद पर सीधी खुली भर्ती / पदोन्नति से भर्ती / विभागीय भर्ती के प्रतिशत के निर्धारण के संबंध में।

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01/ पृष्ठ भूमि-

i. वर्ष 2021 में सहायक अभियंता के पद पर भर्ती का प्रतिशत कुल स्वीकृत पदों का निम्नानुसार निर्धारित किया गया है (परिशिष्ट-01) -

विवरण	पूर्व निर्धारण	वर्तमान निर्धारण
पदोन्नति से	40%	70%
विभागीय भर्ती से	10%	10%
सीधी खुली भर्ती से	50%	20%

ii. उपरोक्त प्रतिशत निर्धारण के कारण जनरेशन कंपनी में कुल 470 स्वीकृत पदों के विरूद्ध कार्यरत सहायक अभियंता की स्थिति निम्नानुसार हो गई है-

विवरण	स्वीकृत पद	कार्यरत पद
पदोन्नति से (70%)	329	271
विभागीय भर्ती से (10%)	47	25
सीधी खुली भर्ती से (20%)	94	203
कुल	470	499

उपरोक्त तालिका से स्पष्ट है कि -

(अ) सीधी भर्ती के पदों पर पद रिक्तता नहीं है। इस प्रतिशत निर्धारण के कारण स्नातक अभियंता जो सीधी भर्ती से नियुक्त होते थे, की संख्या डिप्लोमा

अभियंता से अत्यंत कम हो जावेगी, जो केन्द्रीय विद्युत प्राधिकरण के दिशा-निर्देश, जिसमें 210 मेगावाट या उससे अधिक क्षमता की ईकाईयों का संचालन स्नातक अभियंता के द्वारा किया जाना है, के अनुरूप नहीं है।

(ब) जनरेशन कंपनी में आने वाले नवीन संयंत्र (2X660 मेगावाट) हेतु स्नातक इंजीनियर की आवश्यकता रहेगी। इसके अतिरिक्त पंप स्टोरेज परियोजना हेतु भी स्नातक इंजीनियर्स की आवश्यकता होगी। वर्तमान परिपेक्ष्य में सहायक अभियंता के पद पर यदि भर्ती का निर्धारित प्रतिशत इसी प्रकार जारी रखा जाता है तो सीधी भर्ती से आगामी तीन से चार वर्षों तक स्नातक अभियंता की भर्ती किया जाना संभव नहीं है।

ऐसी स्थिति में जनरेशन कंपनी के सभी संयंत्रों के दैनंदिनी रखरखाव एवं संचालन में समस्या उत्पन्न हो सकती है एवं केन्द्रीय विद्युत प्राधिकरण के द्वारा भी आपत्ति दी जा सकती है।

(स) भर्ती प्रक्रिया प्रारंभ करने के उपरांत नियुक्ति होने तक तथा नियुक्ति उपरांत आवश्यक प्रशिक्षण प्राप्त कर संयंत्र में पदस्थापित होने में लगभग 02 वर्ष का समय लगता है। अतः यह अत्यंत आवश्यक है कि सीधी खुली भर्ती से भर्ती का प्रतिशत पूर्ववत् अर्थात् 50% किया जाए।

(द) 470 स्वीकृत पदों के विरुद्ध कार्यरत सहायक अभियंता की आधिक्य संख्या केटीपीएस, कोरबा पूर्व के पदों के विलोपन के कारण (85 पद) उत्पन्न हुई है। उपरोक्त स्थिति से संचालक मंडल को अवगत कराया जा चुका (परिशिष्ट सेवानिवृत्ति तथा नवीन परियोजनाओं हेतु सृजित होने वाले पदों से दो)। आधिक्य संख्या अतिशीघ्र आगामी वर्षों में होने वाली 20 समायोजित हो जाएगी।

02/ कार्यवाही प्रस्तावित -

i. उपरोक्त तथ्यों के दृष्टिगत सहायक अभियंता के प्रदों पर सीधी खुल भर्ती / पदोन्नति से भर्ती/विभागीय भर्ती का प्रतिशत निम्नानुसार निर्धारित किया जाना प्रस्तावित है -

विवरण	पूर्व निर्धारण	वर्तमान निर्धारण	प्रस्तावित निर्धारण
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पदोन्नति से	40%	70%	40%
विभागीय भर्ती से	10%	10%	10%
सीधी खुली भर्ती से	50%	20%	50%

ii. प्रस्तावित प्रतिशत निर्धारण से जनरेशन कंपनी में कुल स्वीकृत 470 पदों के विरूद्ध कार्यरत 499 सहायक अभियंता की स्थिति निम्नानुसार होगी -

विवरण	स्वीकृत पद	कार्यरत पद	रिक्त पद
पदोन्नति से (40%)	188	271	-83
विभागीय भर्ती से (10%)	47	25	22
सीधी खुली भर्ती से (50%)	235	203	32
कुल	470	499	-29

उपरोक्त तालिका से स्पष्ट है कि सीधी खुली भर्ती हेतु 32 पद रिक्त है। नवीन परियोजना हेतु पदों की स्वीकृति के उपरांत सहायक अभियंता के पदों पर नवीन भर्ती तदनुसार किया जाना प्रस्तावित है।

04/ डीओपी - माननीय संचालक मंडल को संपूर्ण अधिकार प्रदत्त है।

05/ अनुमोदन हेतु प्रस्ताव -

उपरोक्त तथ्यों के दृष्टिगत सहायक अभियंता के पदों पर सीधी खुली भर्ती /पदोन्नति से भर्ती/विभागीय भर्ती का प्रतिशत निम्नानुसार निर्धारित किया जाना प्रस्तावित है -

विवरण	पूर्व निर्धारण	वर्तमान निर्धारण	प्रस्तावित निर्धारण
पदोन्नति से	40%	70%	40%
विभागीय भर्ती से	10%	10%	10%
सीधी खुली भर्ती से	50%	20%	50%

06/ कंडिका क्रमांक 05/ टीप का प्रस्ताव अनुमोदनार्थ प्रस्तुत है।

07/- सहायक अभियंता के पद पर भर्ती के प्रतिशत का निर्धारण पूर्ववर्ती होल्डिंग कंपनी वर्तमान पारेषण कंपनी के द्वारा किया जाता रहा है। अतः संबंधित प्रकरण पारेषण कंपनी के माध्यम से पारेषण कंपनी के माननीय संचालक मंडल के समक्ष प्रस्तुत किया जाना प्रस्तावित है।

8/- अनुमोदन के उपरांत माननीय संचालक मंडल के समक्ष प्रस्तुत की जाने वाली संक्षेपिका का प्रारूप नस्ती पर अनुमोदनार्थ प्रस्तुत है।

सही/-

सही/- कार्यपालक निदेशक (मा.संसा.)

प्रबंध निदेशक (जन.)
प्रबंध निदेशक (पारेषण)
अध्यक्ष

Resolution passed

Certified True Copy of the Resolution passed by the Board of Directors of Chhattisgarh State Power Transmission Company Limited (CSPTCL) at its 117th Meeting held on Tuesday, 08th April, 2025 at 10:30 a.m. at 5th Floor, Mahanadi Bhawan, Mantralaya, Nava Raipur Atal Nagar (C.G.).

Agenda no. 117/07:

छत्तीसगढ़, स्टेट पॉवर जनरेशन कंपनी लिमिटेड के अंतर्गत सहायक अभियंता के पदों पर भर्ती हेतु पदों का कोटा पुनरीक्षित करने बाबत्।

"संकल्प किया जाता है कि छत्तीसगढ़ स्टेट पॉवर जनरेशन कंपनी लिमिटेड में सहायक अभियंता के स्वीकृत पदों पर भर्ती का कोटा निम्नानुसार पुनरीक्षित किया जावे :-

क्रमांक	भर्ती का माध्यम	पूर्व कोटा (प्रतिशत में)	पुनरीक्षित कोटा (प्रतिशत में)
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1	पदोन्नति से	70%	40%
2	विभागीय सीधी भर्ती से	10%	10%
3	खुली सीधी भर्ती से	20%	50%

For, Chhattisgarh State Power Transmission Company Limited

Sd/-

(Arun Mishra)
Company Secretary

Order passed pursuant to the resolution

क्रमांक 01-01/पीडी-तीन /1877/2357 / रायपुर, दिनांक 5 MAY 2015

आदेश

छत्तीसगढ़ स्टेट पॉवर ट्रांसमिशन कंपनी लिमिटेड रायपुर के संचालक मण्डल की आहूत बैठक दिनांक 08.04.2025 के एजेण्डा क्रमांक 117/07 में पारित संकल्प के परिपालन में छत्तीसगढ़ स्टेट पॉवर जनरेशन कंपनी लिमिटेड में सहायक अभियंता (उत्पादन) के पदों पर भर्ती का कोटा एतद् द्वारा निम्नानुसार पुनरीक्षित किया जाता है :-

क्रमांक	भर्ती का माध्यम	पूर्व कोटा (प्रतिशत में)	पुनरीक्षित कोटा (प्रतिशत में)
1	पदोन्नति से	70%	40%
2	विभागीय सीधी भर्ती से	10%	10%
3	खुली सीधी भर्ती से	20%	50%

सही/-

मुख्य अभियंता (मा.सं.)
छ.स्ते. पॉ.ट्रांस. कं. लिमि, रायपुर
/ रायपुर, दिनांक

10. From the aforesaid, it is crystal clear that after considering all the aspects of the matters in its true perspective and also considering the requirement of graduate Engineers through All India Open Competition, the respondent authorities have taken the aforesaid

decision, which cannot be termed as illegal, arbitrary and bad in law.

11. It is well settled that mere reduction in the promotional avenues or chances of promotion does not confer any vested or indefeasible right upon an employee to claim promotion in accordance with the earlier quota. The petitioners, therefore, cannot insist upon continuation of the earlier promotional quota of 70% merely on the ground that they had become eligible for consideration under the previous arrangement. Their right remains confined to fair consideration for promotion in accordance with the rules and policy applicable at the relevant time.
12. It is pertinent to mention here that the Courts will have to be cautious and slow in dealing with the recruitment process adopted by the recruitment agency. A lot of thought process has gone into applying the rules and regulations. Merely because the recruitment agency is not in a position to satisfy the Court, relief cannot be extended to the candidates.
13. It is the trite law that reduction in the chances of promotion, if any, on account of a change or amendment in the rules would not affect the fundamental rights of an employee, as a public servant has only a right to be considered for promotion in accordance with the extant rules.
14. In the matter of ***Dwarka Prasad and others v. Union of India and others (2003) 6 SCC 535***, their Lordships of the Supreme Court have held that fixation of quotas or different avenues and

ladders for promotion in favour of various categories of posts in feeder cadres based upon the structure and pattern of the Department is a prerogative of the employer, mainly pertaining to the policy-making field, and observed in paragraph 16 as under:-

“16. Fixation of quotas or different avenues and ladders for promotion in favour of various categories of posts in feeder cadres based upon the structure and pattern of the Department is a prerogative of the employer, mainly pertaining to the policy-making field. The relevant considerations in fixing a particular quota for a particular post are various such as the cadre strength in the feeder quota, suitability more or less of the holders in the feeder post, their nature of duties, experience and the channels of promotion available to the holders of posts in the feeder cadres. Most important of them all is the requirement of the promoting authority for manning the post on promotion with suitable candidates. Thus, fixation of quota for various categories of posts in the feeder cadres requires consideration of various relevant factors, a few amongst them have been mentioned for illustration. Mere cadre strength of a particular post in the feeder cadre cannot be a sole criterion or basis to claim parity in the chances of promotion by various holders of posts in feeder categories.”

15. Similarly, in ***Dilip Kumar Garg and another v. State of Uttar Pradesh and others (2009) 4 SCC 753***, it has been held by the Supreme Court that the administrative authorities are in the best position to decide the requisite criteria for promotion from Junior Engineer to Assistant Engineer, and it is not for the Court to sit over their decision like a court of appeal. The administrative authorities have experience in administration, and the Court must respect this, and should not interfere readily with administrative decisions. It is also the trite law that the Court should not ordinarily interfere in policy decisions unless there is clear

violation of some constitutional provision or the statute. We find no such violation in this case.”

16. In ***Dr. Jaya Thakur v. Union of India*, 2023 SCC OnLine SC 813**, the Supreme Court reiterated that courts do not sit in appeal over policy decisions reflected in statutory rules unless the policy is manifestly arbitrary or unconstitutional. It is well settled that fixation of promotional avenues and inclusion of feeder cadres is a policy matter within the exclusive domain of the employer. Courts do not interfere with such policy decisions unless there is clear constitutional violation. It is also settled law that no government servant has a vested right to promotion. At best, an employee has a right to be considered for promotion in accordance with the rules prevailing on the date of consideration. Similarly, in ***Union of India v. Pushpa Rani*, (2008) 9 SCC 242**, it was held that reduction of chances of promotion does not amount to violation of Articles 14 or 16.
17. In the case at hand, the petitioners are aggrieved by reduction of the promotional quota from 70% to 40%, which has affected their chances of promotion. However, mere reduction in the chances of promotion does not confer any vested or indefeasible right to claim promotion under the earlier quota. Prescription or alteration of promotional quota is essentially a policy matter within the domain of the competent authority, warranting judicial interference only when shown to be arbitrary, *mala fide* or contrary to the rules. No such infirmity has been demonstrated in the present case. The

decisions relied upon by learned counsel for the petitioners are distinguishable on facts.

18. In view of the foregoing discussions and applying the well settled principles of law to the facts of the present case, this Court concludes that the petitioners have no vested or accrued right to promotion, and mere reduction of chances of promotion does not attract Articles 14 or 16; as such this Court finds no illegality, arbitrariness or perversity in the impugned orders dated 05.05.2025 (Annexure P/3) and 22.07.2026 (Annexure P/2) warranting interference in exercise of jurisdiction under Article 226 of the Constitution of India. Consequently, the consequential recruitment advertisement dated 07.08.2026 also cannot be interdicted merely on the ground that it may affect the promotional prospects of the petitioners.

19. Accordingly, the writ petition, being devoid of merit, deserves to be and is hereby **dismissed**.

Sd/-

(BIBHU DATTA GURU)
JUDGE

HEAD NOTE

Fixation of quota for promotion on a particular post in feeder cadre based upon the structure and pattern of the Department is prerogative of the employer.