

GAHC040006232023



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)
(ITANAGAR BENCH)

Case No. : WP(C) 235/2023

1: Manoj Kumar Rai and 36 Ors.
S/o Lt. Bashistha Rai,
Resident of Down Police Colony, Naharlagun, PO/PS Naharlagun, District Papum
Pare, Arunachal Pradesh. M. No. 9436226038

2: Tate Nabam
S/o H. Nabam

Presently Posted at Doimukh Police Station
PO/PS Doimukh
District Papum Pare
Arunachal Pradesh.

3: Niri Rama
S/o Lt. Niri Talo

Presently posted at Doimukh Police Station
PO/PS Doimukh
District Papum Pare
Arunachal Pradesh.

4: Haruk Bui Tator
S/o Taa Bui

Posted at Daporijo
PO/PS Daporijo
District Upper Subansiri.

5: Gemo Jini
S/o Lt. Rege Jini

Posted at Roing Police Station
District Lower Dibang Valley
Arunachal Pradesh.

6: Techhi Tado
S/o Lt. T. Solo

Posted at Itanagar Police Station
Arunachal Pradesh.

7: Joram Takap
S/o Lt. Joram Son

Posted at Yupia Police Station
District Papum Pare (rural)
Arunachal Pradesh.

8: Danny Sarke
S/o Tading Sarke

Posted at Daporijo Police Station
District Upper Subansiri
Arunachal Pradesh.

9: Tai Pabin
S/o Lt. Talung Pabin

Posted at Boleng Police Station
District Siang
Arunachal Pradesh.

10: Lobsang Genden
S/o Kelsang Lhundup

Posted at Changlang Police Station
District Changlang
Arunachal Pradesh.

11: M. Bharali
S/o Lt. Tara Prasad Bharali

Posted at Daporijo
District Upper Subansiri
Arunachal Pradesh.

12: Licha Taj
S/o Lt. Kicha Tan

Posted at Ziro
District Lower Subansiri
Arunachal Pradesh.

13: Tashi Norbu Namsa
S/o Sang Ngoiru Namsa

Posted at Tawang
District Tawang
Arunachal Pradesh.

14: Tashi Monpa
S/o Lt. Genden Ngoiru

Posted at Lemmi
District Pakke Kessang
Arunachal Pradesh.

15: D. T. Kharna
S/o Shri N. D. Kharna

Posted at Bomdila
District West Kameng
Arunachal Pradesh.

16: Vijay Kumar
S/o Lt. R. J Singh

Posted at Tezu
District Lohit
Arunachal Pradesh.

17: Koncho Tsering
S/o Lt. Tsering Mindup

Posted at Tawang
District Tawang
Arunachal Pradesh.

18: Tagio Leriak
S/o Shri Take Leriak

Posted at Palin
District Kra Daadi
Arunachal Pradesh.

19: Sonam Wangchu
S/o Shri Laida Tsering

Posted at Bomdila
District West Kameng
Arunachal Pradesh.

20: Leki Norbu
S/o Shri Grakpa Norbu

Posted at Bomdila
District West Kameng
Arunachal Pradesh.

21: Bimal Kumar
S/o Lt. Bachha Ray

Posted at Tezu
District Lohit
Arunachal Pradesh.

22: Pema Jamsten
S/o S. Choida

Posted at Yingkiong
District Upper Siang
Arunachal Pradesh.

23: Byai Tadu
S/o Tadu Tak

Posted at PHQ
Itanagar
Arunachal Pradesh.

24: P. Wangchu
S/o Shri Zongdhar Norbu

Posted at Tawang
District Tawang
Arunachal Pradesh.

25: Aditya Chandra
S/o Lt. Raghunath Singh

Posted at Pasighat
District East Siang
Arunachal Pradesh.

26: Tam Talam
S/o T. Talam

Posted at Yupia
District Papum Pare (Rural)
Arunachal Pradesh.

27: Karba Dameng
S/o Lt. Jimak Dameng

Posted at Yingkiong
District Upper Siang
Arunachal Pradesh.

28: Yapi Taggu
D/o Lt. Tapon Taggu

Posted at PTC Banderdewa
Arunachal Pradesh.

29: J. Rina
S/o Lt. Tajum Rona

Posted at Siji

District Lower Siang
Arunachal Pradesh.

30: Tama Talom
S/o T. Talom

Posted at Boleng
District Siang
Arunachal Pradesh.

31: Dutin Panggam
S/o Lt. Omir Panggam

Posted at Yingkiong
District Upper Siang
Arunachal Pradesh.

32: Anno Passing
S/o Anom Passang

Posted at Roing
District Lower Dibang Valley
Arunachal Pradesh.

33: B. Pegu
S/o Lt. S. Pegu

Posted at Siji
District Lower Siang
Arunachal Pradesh.

34: Tanka Chetry
S/o Lt. Tarabir Chetry

Posted at Changlang
District Changlang
Arunachal Pradesh.

35: W. Tangha
S/o Winlat Tangha

Posted at Changlang

District Changlang
Arunachal Pradesh.

36: S. K. Jha
S/o Shri Chandra Bhushan Jha

Posted at Yupia
District Papum Pare (Capital)
Arunachal Pradesh.

37: Kenter Tacha
S/o Lt. Moken Tacha

Posted at Yupia
District Papum Pare (Capital)
Arunachal Pradesh

VERSUS

1:The State of AP and 3 Others
Represented by the Secretary (Home), Govt. of Arunachal Pradesh, Itanagar.

2:The Director General of Police Govt. of Arunachal Pradesh
PHQ Itangaar.

3:The Inspector General of Police Govt. of Arunachal Pradesh
PHQ Itanagar.

4:The Superintendent of Police Govt. of Arunachal Pradesh
PHQ Itanagar

Advocate for the Petitioner : Uttam Deka
Chorpok Modi
Amit Saring
Bomyom Ori
N Rama
Nabam Chatum
Tame Rimi
N Tania
M Tunar
Kipe Gara

Advocate for the Respondent : GA (AP)

**BEFORE
HONBLE MR. JUSTICE NANI TAGIA**

ORDER

Date : 18.05.2023

Heard Mr. Chorpok Modi, learned counsel appearing on behalf of the petitioners.

Also heard Mr. Subu Tapin, learned Senior Government Advocate, appearing on behalf of the respondents.

The writ petitioners, altogether, 37 in nos., stating to have been promoted as Sub-Inspector of Police (Civil) on 11.01.2023, have filed this petition, for placing their case before the Chief Secretary to the Government of Arunachal Pradesh, to take a decision as to why they should not be promoted as Sub-Inspector of Police(Civil) with retrospective effect on and from 26.08.2020.

The contention of the writ petitioners seeking retrospective promotion on and from 26.08.2020 as Sub-Inspector of Police (Civil) is that under the relevant Recruitment Rules, namely, Sub-Inspector (Civil)/Sub-Inspector(AAPBn)/Sub-Inspector (IRBn), Group - B, Non-Gazetted(Non-Ministerial) Recruitment Rules, 2020; the minimum length of service for promotion to the post of Sub-Inspector(Civil) from the post of Assistant Sub-Inspector(Civil), is 6(six) years and the petitioners having completed 6(six) years of service as Assistant Sub-Inspector of Police(Civil) on 26.08.2020; they are entitled to be promoted as Sub-Inspector of Police(Civil) on and from 26.08.2020.

It is a settled proposition of law that an employee does not have a fundamental right, much less, a legal right to be promoted to a higher post.

The right of the employee for promotion to a higher post is to the extent of consideration by the authorities/employer for promotion to a higher post in accordance with the relevant Recruitment Rules.

In view of the above, I am of the considered view that though the writ petitioners may have completed 6(six) years of service as Assistant Sub-Inspector of Police(Civil) on 26.08.2020; they could not have any vested right to be promoted as Sub-Inspector of Police(Civil) as soon as they complete 6(six) years of service as Assistant Sub-Inspector of Police(Civil) i.e. 26.08.2020.

In that view of the matter; I am of the further view that no such direction can be issued to the Chief Secretary to the Government of Arunachal Pradesh to take a decision as to why they should not be promoted as Sub-Inspector of Police(Civil) on and from 26.08.2020.

The writ petition accordingly stands dismissed being found to be devoid of merit.

JUDGE

Comparing Assistant