

GAHC030005322023



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

Case No. : WP(C)/125/2023

Smt. Lalhlunthangi and Anr.
Sub-Inspector (M),
C/o Kolasib DEF, Mizoram 2: Sh. R. Lalnunsang

VERSUS

The State of Mizoram r/b the Chief Secretary to the Govt. of Mizoram and 4 Ors.
Aizawl2:The Secretary to the Govt. of Mizoram
Home Dept.

3:The Secretary to the Govt. of Mizoram
DP and AR

4:The Director General of Police
PHQ

5:The Mizoram Public Service Commission R/b its Chairma

Advocate for the Petitioner : Mr A.R. Malhotra

Advocate for the Respondent : Addl. AG/GA, Mizoram for R1 - 4

B E F O R E
HON'BLE MR. JUSTICE BUDI HABUNG
ORDER

12.10.2023

Heard Mr. A.R. Malhotra, learned counsel for the petitioners. Also heard Mrs. Linda L. Fambawl, learned Government Advocate for the respondents.

2. The petitioners in this writ petition has challenged the impugned Letter No. E/PHQ/C/DPC-Inspr/2021/119 dated 02.05.2023 by which the respondent No. 4 informed the respondent No. 2 that there are 4 (four) anticipated vacancies in the post of Inspector of Police (Ministerial) during 2023-2024 due to superannuation of the incumbents which are to be filled up by promotion. It is further informed that the total number of vacancies based roster is 5 posts and the Mode of Recruitment shall be by promotion 70% and by Limited Departmental Examination (LDE) 30% i.e. 4:1.

3. The learned counsel for the petitioners submits that as per the Mizoram Home (Police) Department (Group-B Gazetted Posts) Recruitment Rules, 2013 (hereinafter referred to as the 2013 Rules), 70% of the total number of posts of Inspector (Ministerial Uniformed Cadre) are to be filled up by promotion from Sub-Inspector of Police (Ministerial Uniformed Cadre) with five years regular service in the Grade and 30% of the posts are to be filled by way of LDE from Sub-Inspector of Police (Ministerial Uniformed Cadre) with five years regular service in the Grade. He further submits that as on date, there are 66 sanctioned post of Inspector of Police in the Police Department. Out of these, 39 posts had been filled up by promotion through seniority and 22 posts by promotion through LDE, while 5 posts (including anticipated vacancies in the year 2023-2024) are lying vacant. The learned counsel for the petitioners further submits that according to the 2013 Rules, 70% of the total number of posts of Inspector of Police (Ministerial) i.e. 46 posts out of 66 posts are to be filled up by

promotion through seniority; on the other hand, 30% of the total number of posts of Inspector of Police (Ministerial) i.e. 22 posts are to be filled up for promotion through LDE. And, as 22 posts of Inspector of Police (Ministerial) had already been filled up by promotion through LDE, if 1 (one) post which has fallen vacant due to the superannuation pension of one Inspector on 31.05.2023 is filled up by promotion through LDE, then the total number of post of Inspector of Police (Ministerial) to be filled up by promotion through LDE will increased to 23 posts, in which case, it will exceed 3 posts of Inspector of Police (Ministerial) through LDE against 20 post. Hence, being aggrieved by the said impugned letter dated 02.05.2023 (Annexure-7), the petitioner No. 1 being one of the senior most in the cadre post had submitted a representation before the respondent No. 2 requesting for her promotion from Sub-Inspector (Ministerial) to Inspector (Ministerial) against promotional vacancy post, which is still pending disposal.

4. However, the learned counsel for the petitioners submits that without going into the merit of the case, his limited prayer at this stage is that, since the writ petitioner No. 1 has submitted a representation to the respondent No. 2 and the same is still pending disposal; a direction may be given to the respondent No. 2 to dispose of the said representation within a short stipulated time.

5. Mrs. Linda L. Fambawl, learned Government Advocate does not have any objection to the proposed limited prayer made by the learned counsel for the petitioners and for directing the respondent authorities for early disposal of the representation submitted by the petitioners.

6. In view of the above and having regards to the facts and circumstances of this case, this

writ petition shall stands disposed of with a direction to the respondent authorities, more particularly, the respondent No. 2 to dispose of the representation dated 28.08.2023 submitted by the petitioner No. 1, preferably within a period of four weeks from the date of receipt of copy of this order.

7. With the above, this writ petition stands disposed of.

JUDGE

Comparing Assistant