

Court No. - 8

Case :- WRIT - A No. - 4377 of 2023

Petitioner :- Mohammad Javed

Respondent :- State Of U.P Thru. Addl. Chief Secy. Home Deptt. Civil
Secrt. Lko. And 3 Others

Counsel for Petitioner :- Rakesh Kumar Singh

Counsel for Respondent :- C.S.C.

Hon'ble Dinesh Kumar Singh,J.

1. Heard Sri Rakesh Kumar Singh, learned counsel for the petitioner and Sri Rajiv Singh Chauhan, learned Additional Chief Standing Counsel.

2. The present writ petition under Article 226 of the Constitution of India has been filed seeking a Writ in the nature of Mandamus commanding opposite party nos.2 and 3 to reconsider the case of the petitioner for his promotion on the post of Inspector against the Selection Year 2022-2023 from the date when similarly situated persons and the persons junior to him have been promoted, with all consequential service benefits, including seniority forthwith.

3. The petitioner was initially appointed on the post of Constable and, thereafter, he appeared in the Departmental Ranker Examination and was successful. He was selected for the post of Sub-Inspector (Civil Police) in the year 2013 and since then he is discharging the duties as Sub-Inspector (Civil Police). The petitioner was awarded censure entry in the year 2021 vide order dated 28.2.2021 passed by the Superintendent of Police, Unnao. The petitioner filed departmental appeal before the Inspector General of Police, Lucknow Range, Lucknow. However, the same was dismissed and, thereafter, the petitioner preferred a revision before the Additional Director General of Police, Lucknow Zone, Lucknow, which was

allowed vide order dated 20.12.2021 and the punishment order was quashed.

4. The case of the petitioner is that he is fully qualified to be promoted to the post of Inspector. The petitioner finds his place in the seniority list at 509. The Departmental Promotion Committee held proceedings for promotion on 24.10.2022. However, the petitioner was not promoted though his junior, immediate junior and similarly situated persons were promoted.

5. The petitioner moved a representation on 27.12.2022 against his non-promotion to the post of Inspector. When no decision was taken on his representation, the petitioner again moved a representation before the Secretary, Uttar Pradesh Police Recruitment and Promotion Board on 9.2.2023. The promotion Board vide letter dated 15.2.2023 has sent a letter to the Additional Director General of Police (Establishment) for reconsidering the matter regarding promotion of the petitioner on the post of Inspector. The Police Headquarter has sent a letter to the In-charge Inspector, Cyber Crime Cell, Commissionerate, Lucknow and asked for the relevant information in respect of the petitioner.

6. Learned counsel for the petitioner submits that the petitioner was not considered for promotion on the post of Inspector in the Departmental Promotion Committee on 24.10.2022 on the ground that there was adverse material against the petitioner inasmuch as he was awarded censure entry. However, the said entry has been expunged by the revisional authority and there is no material against him.

7. In view thereof, the Additional Director General of Police (Establishment), Police headquarter, Uttar Pradesh, Lucknow is directed to take appropriate decision regarding promotion of the petitioner as per the recommendation dated 15.2.2023 of the

Uttar Pradesh Police Recruitment and Promotion Board. Such consideration should be given within a period of one month from the date of production of a certified copy of this order before him.

8. With the aforesaid observation and direction, the present writ petition stands ***disposed of***.

Order Date :- 31.5.2023

Rao/-