

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(S) No. 981 of 2009

Ramkripal Mishra S/o Shri Vishwanath Pd/ Mishra, Occupation
Retired Platoon Commander, 7th Battalion, Bhilai Chhattisgarh
Armed Force, At Present R/o Kamta Chitrakoot Distt. Satana (MP)

---- Petitioner

Versus

1. State Of Chhattisgarh through the Secretary, Home Department, D.K.S. Bhawan, Raipur, District Raipur (C.G.)
2. Director General of Police Chhattisgarh Armed Force, Raipur, Distt. Raipur (CG)
3. Commandant, 33rd Battalion, Bhilai, Distt. Durg (CG)
4. Company Commander, 7th Battalion Chhattisgarh Armed Force, Bhilai, Distt. Durg (CG)
5. Deputy Director General of Police (Personnel) Police Headquarter, Raipur, Distt. Raipur (CG)

---- Respondents

For Petitioner : Shri Awadh Tripathi, Advocate
For Respondent/State: Shri Adhiraj Surana, Dy. Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy

Order On Board

14/08/2015

The petitioner through the instant writ petition has sought for two main reliefs: Firstly, the period of suspension of the petitioner may be regularized and he may be granted salary benefits of the said suspension period. Secondly, pending a Criminal proceeding against the petitioner for the offence under Sections 304 B and 498 A of IPC, the promotion of the petitioner which was considered in a DPC whose decision is kept in a sealed pack cover, the same may be opened and the petitioner may be given promotion from the date his juniors have been granted promotion.

2. Counsel for the State submits that so far as the period of suspension is concerned, the same has been regularized in as much as after revocation of the suspension order, the petitioner has been paid salary for the said suspension period and as such relief No.1 stands redressed. So far as the

relief No.2 is concerned, State counsel submits that the writ petition may be disposed of with a direction to the respondents to consider the representation (Annexure P-8 & P-9) of the petitioner pending before them so far as the opening of the sealed cover pertaining to the recommendation made by the DPC is concerned at the earliest. To the said proposal counsel for the petitioner also does not have any objection.

3. Accordingly, the writ petition is disposed of with a direction to the respondents to consider the case of the petitioner keeping in view the fact that the petitioner has already been acquitted of the offence under Sections 304-B and 498-A of IPC and by opening the sealed cover pertaining to the recommendation made by the DPC and to pass an appropriate order.

4. The State Authority, considering the fact that the petitioner has retired from service w.e.f. 30.11.2007, shall take a decision as expeditiously as possible preferably within a period of six weeks from the date of receipt of copy of this order.

Sd/-
(P. Sam Koshy)
JUDGE