

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No.325 of 2011**

Ashok Kumar Singh, aged about 45 years, S/o Shri Ramashankar Singh,
Head Constable, Reserve Circle, Police Lines, Raipur, Chhattisgarh

---- Petitioner**versus**

1. State of Chhattisgarh, through the Secretary, Department of Home, Dau Kalyan Singh Bhawan, Raipur, Chhattisgarh
2. Director General of Police, Police Headquarter, Raipur, Chhattisgarh
3. Additional Inspector General of Police, Chhattisgarh Arms Force, Police Headquarter, Raipur, Chhattisgarh
4. Munnu Lal Mahavir, Assistant Sub-Inspector, C.T.J.W. College, Kanker, Chhattisgarh
5. Kamlakant Dubey, Assistant Sub-Inspector, 6th Battalion, Chhattisgarh Arms Force Raigarh, District Raigarh, Chhattisgarh
6. Satyapal Ojha, 1st Battalion, Chhattisgarh Arms Force, Bhilai, District Durg, Chhattisgarh
7. Superintendent of Police (Railways), Railways Police Lines, Raipur, Chhattisgarh

---- Respondents

For Petitioner	:	Ms. Sharmila Singhai, Advocate
For State/Respondents No.1 to 3 & 7	:	Shri B. Gopa Kumar, Deputy Advocate General

Hon'ble Shri Navin Sinha, Chief Justice**Order on Board****16/10/2015**

1. Heard Learned Counsel for the Petitioner and the State.
2. Learned Counsel for the Petitioner submits that his name was at Serial No.1 in the gradation list to be considered for promotion from Constable (Arms) to Head Constable (Arms). There were no departmental proceedings against him. After consideration, orders for promotion were passed on 10.9.2006. The Petitioner was not relieved by the Superintendent of Police (Railways) for three months and therefore could not join on the promoted post. The Respondents therefore removed him from the fresh gradation list of the promoted post prepared on 11.1.2011 even though the Petitioner had reported for joining on 4.11.2006 and effectively his juniors have been

promoted above him.

3. Learned Counsel for the State submits from the counter-affidavit that the Petitioner did not join after promotion within the prescribed time.
4. The Court has considered the submissions on behalf of the parties.
5. There is no allegation against the Petitioner for eligibility in promotion. Neither has his order of promotion been cancelled. There is no allegation of any unauthorised absence against the Petitioner. The specific assertion of the Petitioner that he was not relieved by the Superintendent of Police (Railways) in due time to join the promoted post has not been answered in the counter-affidavit.
6. No useful purpose would be served at this stage by issuing notice to Respondents No.4 to 6.
7. The writ application is therefore disposed with a direction to the concerned Respondents to consider the grievance of the Petitioner, grant hearing to Respondents No.4 to 6 also and then pass final appropriate orders placing the Petitioner at the correct position in the gradation list as he was promoted on 10.9.2006, but could not join within the stipulated time for no fault of his.
8. Let such consideration be done and final appropriate orders be passed within a maximum period of three months from the date of receipt and/or presentation of a copy of the present order.
9. The writ application is disposed.

Sd/-
(Navin Sinha)
CHIEF JUSTICE