

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 2174 of 2015

- Gopal Singh S/o Late Shri Ramlal Singh Aged About 75 Years R/o Basantpur Ward No. 40, Near Dr. K.R. Thakur Police Station Basantpur, District Rajnandgaon Chhattisgarh

---- Petitioner

Versus

1. State Of Madhya Pradesh (Now Chhattisgarh) Through Secretary Home Department Police Vallabh Bhawan, Bhopal M.P. Now State Of Chhattisgarh Through Secretary Home Department (Police) Secretariat, Mahanadi Bhawan, New Raipur Police Station Rakhi Post Office Rakhi, District Raipur Chhattisgarh
2. The Director General Of Police Police Headquarter Bhopal M.P. New Director General Of Police Police Headquarter, Secretariat, Mahanadi Bhawan, New Raipur P.S. & Post Office Rakhi District Raipur Chhattisgarh 492002
3. The Inspector General Of Police Railway Police Near Assembly House Bhopal M.P.
4. Superintendent Of Police District Durg M.P. Now Chhattisgarh

---- Respondent

For Petitioner	Ms. Anita Suryavanshi, Advocate
For Respondent/State	Shri Arvind Dubey, PL

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board By

19/08/2015

1. With the consent of the learned counsel for the parties, the matter is heard finally.
2. The petitioner has called in question the order dated 05.01.1995 passed by the respondent No.1, State of Madhya Pradesh (Now

Chhattisgarh) and communicated to him by the respondent No.4, S.P., Durg on 23.02.1995. By these orders, the authorities have cancelled the petitioner's promotion to the post of Assistant Sub Inspector and was brought down to the post of Head Constable.

3. One Tapeswar Singh had challenged the petitioner's promotion by filing O.A. No.3167/1990, which was transferred and re-registered in this Court as W.P. No.323/2005. This petition was dismissed for want of prosecution on 23.06.2009. It appears, the petitioner had also preferred O.A. No.717/1995, which was transferred and re-registered in this Court as WPS No.1074/2005. This petition was also dismissed for want of prosecution on 27.10.2009. An application for restoration of the said WPS No.1074/2005 was also dismissed by the Division Bench vide order dated 30.06.2014 in MCC No.404/2014. Thus, the petitioner's earlier writ petition having already been dismissed, the present writ petition is not maintainable. In the order passed by the Division Bench (Annexure-P-9), liberty has been reserved in his favour to take appropriate steps in O.A. No.3167/1990. Instead of exercising that liberty, the petitioner has preferred this writ petition, which is not maintainable.
4. Accordingly, the writ petition is dismissed as not maintainable.

Sd/-

JUDGE

PRASHANT KUMAR MISHRA

Nirala