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HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 3152 of 2017

1. Ram Bahor Pandey S/o Late Shri H.B. Pandey Aged About 61 Years R/o Village- Gangtira, Post- Katra, Police Station- Garh, Rewa, Tahsil And District- Rewa (Madhya Pradesh)
2. Ramnarayan Tiwari S/o Late Shri Ramniash Tiwari, Aged About 61 Years R/o Gadhelpara, Shukla Colony, Baikunthpur, Police Station, Tahsil And District- Baikunthpur (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through Its Chief Secretary, Department Of Home/ Police, Mahanadi Mantralaya, Police Station & Post- Rakhi, New Raipur, District- Raipur(Chhattisgarh)
2. Under Secretary, State Of Chhattisgarh, Department Of Home/ Police Mahanadi Mantralaya, Police Station & Post- Rakhi, New Raipur, District- Raipur (Chhattisgarh).
3. Director General Of Police(D. G. P.) Police Headquarters(P. H. Q.) Near Mahanadi Mantralaya, Police Station And Post- Rakhi, New Raipur, District- Raipur (Chhattisgarh).
4. Additional Director General Of Police (A. D. G. P.) Intelligence, Police Headquarters (P H Q), Near Mahanadi Mantralaya, Police Station And Post- Rakhi, New Raipur, District- Raipur (Chhattisgarh).
5. Assistant Inspector General Of Police (A. I. G. P.) Intelligence, Police Headquarters (P H Q), Near Mahanadi Mantralaya, Police Station And Post- Rakhi, New Raipur, District- Raipur (Chhattisgarh).

---- Respondents

For Petitioners	:	Shri Abhishek Pandey, Advocate
For State	:	Shri S.P. Kale, Dy.A.G.

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

19/07/2017

Heard.

1. What the petitioners seek through this petition is mandamus to respondent authority to amend the existing Rules in Schedule-II to include for promotion, a

new category of post as DSP (Special Branch).

2. According to learned counsel for the petitioners, though the posts of DSP in different branches/discipline have been created against which Inspectors are considered for promotion, in the absence of a special category of post of DSP (Special Branch), officers like the petitioners who are Inspector (Special Branch), are not getting benefit of accelerated promotion.
3. The relief sought by the petitioners, I am afraid, cannot be granted because how the promotion should be made is essentially a matter of Rule Making Policy. Rules governing terms and conditions of services of Govt. servant are framed by the Governor in exercise of powers conferred under proviso to Article 309 of the Constitution of India. The power so conferred on the Governor is legislative in nature and not administrative. A direction to frame promotion policy in a particular matter would amount to issuance of direction to legislate in a particular manner which is not permissible under the Law. If the petitioners have any grievance that the Rule in its existing form, violates any of the provisions of the Constitution, the petitioners remedy lies in challenging validity of the Rule.
4. Therefore, the petition is liable to be dismissed and is accordingly dismissed with the observations as above.

Sd/-
(Manindra Mohan Shrivastava)
Judge