

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 2073 of 2017**

- Dinesh Chand Dhruw S/o Late Nahul Singh Dhruw, Aged About 46 Years
Address Central Jail, Balodabazar, District Balodabazar- Bhatapara
(Chhattisgarh).

---- **Petitioner****Versus**

1. State of Chhattisgarh Through The Secretary, Home Department,
Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur (Chhattisgarh).
2. The Director General Of Police (Prison), Jail And Correctional Services,
Raipur (Chhattisgarh).
3. Chhattisgarh Public Service Commission, Through Its Chariman, Shankar
Nagar, Raipur (Chhattisgarh).

---- **Respondent****And****WPS No. 2143 Of 2017**

- Arun Kumar Arskoley S/o Late G. L. Marskoley, Aged About 61 ½ Years
Address Central Jail Bilaspur, District Bilaspur (Chhattisgarh).

---- **Petitioner****Vs**

1. State of Chhattisgarh Through The Secretary, Home Department,
Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur (Chhattisgarh).
2. The Director General Of Police (Prison), Jail And Correctional Services,
Raipur (Chhattisgarh).
3. Chhattisgarh Public Service Commission, Through Its Chairman, Shankar
Nagar, Raipur (Chhattisgarh).

---- **Respondents**

For Petitioners	:	Shri Goutam Khetrapal, Advocate
For Respondents-State	:	Shri Shashank Thakur, GA for the State

Hon'ble Shri Justice Prashant Kumar Mishra
Order On Board

16/05/2017

1. Petitioners are working on the post of Dy. Superintendent of Prison, they claim to be qualified and eligible for promotion to the post of Dy. Superintendent of Jail (Gazetted). Referring to the order passed by the Co-ordinate Bench on 23.03.2017 in **Laxmikant Pandey Vs. State of Chhattisgarh & Ors.** {WPS No.1414/2017 (Annexure P-5)}, it is argued that after the said order, the DPC has been convened but only 5 posts out of 19 vacant post of Dy. Superintendent of Jail have been filled up. It is further submitted that the petitioner Arun Kumar Arskoley would attend the age of superannuation in October, 2017, therefore, if DPC is not held shortly, he shall suffer irreparable loss.
2. Even if posts are available, it is for the State Government to take conscious decision as to what number of promotion posts on a particular cadre are required to be filled. Such decision rests on various factors, however, at the same time, the State Government cannot delay the process of convening the DPC if officers are required on the promotion post. It cannot choose to fill up only few of them, therefore, instead of keeping these petitions pending, ends of justice would be served if the respondents are directed to consider need of officers on the post of Dy. Superintendent of Jail (Gazetted) and if the officers are needed, the respondents shall take expeditious steps to convene DPC meeting in view of the fact that the petitioner Arun Kumar Arskoley is due for retirement in the month of October, 2017.

Sd/-

Judge
Prashant Kumar Mishra

Ashu