

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 1041 of 2017**

Rekhraj Dhruw S/o Shiv Prasad Dhruw, Aged About 35 Years R/o Quarter No. 8,
Deen Dayal Colony, Janjgir (P O) Janjgir Champa District, Chhattisgarh State.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through : Secretary, Home Department, Secretariat, Mahanadi Bhawan, Naya Raipur, Raipur District, Chhattisgarh State P I N 495001
2. Inspector General Of Police, Bilaspur, Bilaspur District, Chhattisgarh State.
3. Superintendent Of Police, Janjgir Champa District, Chhattisgarh State.
4. Rakesh Xaxa, Head Constable, Office Of Superintendent Of Police, Janjgir Champa District, Chhattisgarh State.
5. Amar Singh Gond, Head Constable, Police Station, Shakti, (P O), Janjgir Champa District, Chhattisgarh State.
6. Chandrasekhar Kamal, Head Constable, Office Of S D O (P), Chandrapur, Janjgir Champa District, Chhattisgarh State.

---- Respondents

For Petitioner	:	Shri KR Nair, Advocate.
For Respondent/State	:	Shri B Gopa Kumar, Deputy AG.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****02/03/2017**

1. The petitioner by way of this petition seeks a direction to the respondents to consider his case for promotion from the post of Constable to the next higher post of Head Constable.
2. The counsel for the petitioner submits that the petitioner has all other suitability and eligibility criteria required for the promotion, but on an earlier occasion his case was not considered on account of fact that he had received more punishment than awards. He further submits that now a fresh process has again been initiated for promotion by the respondents. That, in the intervening period the petitioner has also now

received much more awards and as on date and today the awards are more than the punishments which have been imposed upon him. Therefore, his case can be considered for promotion which perhaps the State is not considering and he has made a representation in this regard to the respondent.

3. Counsel for the State submits that in case if the petitioner has subsequently received more awards and if the rules and regulations permit him to be considered, there is no reason why the case of the petitioner would not be considered.
4. Accordingly, the present petition is disposed of with a direction to the respondent No.2 to consider the case of the petitioner in the fresh promotion process which is being undertaken, subject to petitioner's fulfilling the requisite eligibility criteria.
5. It is made clear that this court has not expressed any opinion with regard to entitlement of promotion of the petitioner is concerned. The authorities are free to decide the case of the petitioner in accordance with rules and regulations applicable in the department.
6. Considering the fact that as per petitioner the promotion process has already been initiated, it is expected that the respondent No.2 shall take a decision in respect of the petitioner during the course of the undergoing promotion process.
7. With the aforesaid direction, the petition stands disposed of.

Sd/-
(P.Sam Koshy)
Judge