

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 7354 of 2017

Aenu Kumar Dewangan S/o Late Shri Itwari Ram Dewangan Aged About 48
Years R/o Quater No. G - 8, Sector - 6, Police Station Bhilai Nagar Tahsil
And District Durg Chhattisgarh
---- Petitioner

Versus

1. State Of Chhattisgarh Through Its Secretary Department Of Home / Police
Mahanadi Mantralaya Police Station And Post Rakhi New Raipur District
Raipur Chhattisgarh, Chhattisgarh
2. 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
3. Inspector General Of Police I G P Office Of Inspector General Of Police 32
Bungalow Bhilai District Durg Chhattisgarh
4. Superintendent Of Police S P Office Of Superintendent Of Police Durg
District Durg Chhattisgarh
---- Respondents

For Petitioner	:	Mr. Abhishek Pandey, Advocate
For Respondent/State	:	Mr. Chandresh Shrivastava, Panel Lawyer

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

Order On Board

07/05/2018

Heard.

1. Amongst other grounds one of the main ground challenged by the petitioner is that promotion was cancelled without affording any opportunity of hearing.
2. Learned State counsel was repeatedly granted opportunity including last opportunity but no reply has come. In this case, it was ordered on the last date of hearing that last opportunity is granted failing which, this Court may proceed on the assumption that petitioner was not afforded opportunity of hearing before cancellation of promotion.
3. The impugned order shows that promotion granted to the petitioner was cancelled on the ground that on the date of issuance of promotion order, the petitioner had undergoing a penalty of withholding of one increment which was effective till 30th of June, 2016. It would thus be clear that the reason for cancelling

petitioner's promotion was that at that time, he was undergoing a penalty. True, it is the petitioner may have a claim for consideration for promotion after the currency of penalty is over, I do not think that the petitioner was entitled to be promoted during currency of penalty i.e. till 30th of June, 2016. Therefore, I am not inclined to interfere with the order of cancellation of promotion. However, the petitioner's claim for promotion to the higher post shall be considered taking into consideration that effect of minor penalty of one year was over on 30th of June, 2016 and he could be considered for promotion from a date subsequent thereto. For this purpose, respondent No.2 shall examine the petitioner's case and may pass suitable orders for promotion to which petitioner may be entitled under the existing scheme of promotion from a date subsequent to 30th of June, 2016.

4. The petition is finally disposed off.

Sd/-
(Manindra Mohan Shrivastava)
Judge