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HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 6645 of 2018**

Hemawant Chandrakar S/o Shri Rajkumar Chandrakar, Aged About
34 Years, Police Station Gurura, District- Balod, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Principal Secretary, Department Of Home Mantralaya, Naya Raipur, District- Raipur, Chhattisgarh
2. The Director General Of Police, Police Head Quarter, Naya Raipur, District- Raipur, Chhattisgarh
3. The Additional DGP (Administrative) Police Head Quarter, Naya Raipur, District- Raipur, Chhattisgarh
4. The Inspector General Of Police, Durg Rang, 32 Bunglow, Bhilai, District- Durg, Chhattisgarh
5. The Superintendent Of Police, Balod, District- Balod, Chhattisgarh
6. Shailendra Kumar Thakur, Inspector, Under S.P. Balrampur, District- Balrampur, Chhattisgarh
7. Yudhishtir Kumar Sahu, Inspector, Under S.P. Balod, District- Balod, Chhattisgarh
8. Amit Kindo, Inspector Under S.P. Bijapur, District- Bijapur, Chhattisgarh

---- Respondents

For Petitioner	:	Shri Sunil Pillai, Advocate
For State	:	Shri Ratan Pusty, Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****06.10.2018**

The grievance of the petitioner is the non consideration of the
petitioner for promotion from the post of Sub Inspector to the post of

Inspector.

2. According to the petitioner, the only reason for non consideration of his case was the punishment which was inflicted upon him on 23.02.2013 by the Superintendent of Police, District Balod that of reduction to the lowest stage in the pay scale for two years which later stood modified by the appellate authority in an appeal decided on 13.09.2013 whereby the punishment was modified to that of stoppage of one increment.

3. Counsel for the petitioner submits that the said order of punishment of stoppage of one increment stood restored after a period of one year and beyond that period whenever the promotion process was initiated from the post of Sub Inspector to the post of Inspector, the respondents ought to have considered the case of the petitioner. The representation made by the petitioner in this regard has now been rejected vide Annexure P-3 dated 01.02.2017. He submits that the petitioner subsequently has again made a detail representation on 28.12.2017 along with a citation of the Supreme Court in the case of **Union of India and Another Vs. S. C. Parashar** reported in **(2006) 3 SCC 167** and makes a prayer that the authority concerned may be directed to reconsider the case of the petitioner in the light of the said judgment of the Supreme Court.

4. Taking into consideration the limited prayer which the petitioner has made, let the respondent no.2 take a fresh decision on the representation of the petitioner dated 28.12.2017. While deciding the same, respondent no.2 may also take into consideration the aforesaid judgment as also the rules and regulations which govern the service condition of the petitioner so far as the promotion is concerned. Let this exercise be done within a period of 90 days from the date of receipt of copy of this order.

5. With the aforesaid observation, the writ petition stands disposed of.

Sd/-
P. Sam Koshy
Judge

Khatai