

NAFR

**HIGH COURT OF CHHATTISGARH AT BILASPUR**

**WPS No. 7223 of 2018**

Sanjay Kumar Suryawanshi S/o Dashi Ram Suryawanshi Aged About 37 Years Presently Posted As Subedar At Office Of Superintendent Of Police, Police Line (Karhi) Mungeli, R/o Village Kosmanda, Tahsil Champa District Janjgir Champa Chhattisgarh.

**---- Petitioner**

**Versus**

1. State Of Chhattisgarh Through Its Secretary, Department Of Home Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur Chhattisgarh.
2. Director General Of Police, Chhattisgarh Police Head Quarters, Naya Raipur, District Raipur Chhattisgarh.
3. Inspector General Of Police Bilaspur, Range, Bilaspur Chhattisgarh.
4. Superintendent Of Police District Mungeli Chhattisgarh.

**---Respondents**

|                |   |                                                                       |
|----------------|---|-----------------------------------------------------------------------|
| For Petitioner | : | Mr. Mateen Siddiqui, Advocate along with<br>Mr. Ishan Verma, Advocate |
| For State      | : | Mr. Chandresh Shrivastava, Panel Lawyer                               |

**Hon'ble Shri Justice P. Sam Koshy**

**Order on Board**

**31/10/2018**

1. The challenge in the present writ petition is to the inaction on the part of the respondents in not relieving the petitioner to join on the promoted post at the place of posting mentioned in the promotion order.
2. The petitioner was working under the respondent no.4 on the post of Subedar and he has been promoted vide order dated 06.08.2018 on the post of Reserve Inspector. He has been posted at Bemetara on the said post. The order of promotion dated 06.08.2018 in its last paragraph reads as such:-

*“संबंधित सूबेदारों को पदोन्नति पर पदस्थापना हेतु संबंधित इकाई के लिए तत्काल कार्यमुक्त कर कार्यमुक्त/कार्यभार ग्रहण दिनांक से पुलिस मुख्यालय को अवगत कराया जावे।”*

3. The purpose of such a direction is to ensure that the promoted employee/ officer can report at the place of posting at the earliest so as to ensure that the seniority of the petitioner on the promoted post is not adversely affected.
4. In the instant case, the petitioner though has an order of promotion in his favour on 06.08.2018, but till date though more than 2 ½ months have been passed, the petitioner has not been relieved. The petitioner has filed this writ petition on the ground that unless the petitioner is relieved to join at Bemetara, there is all possibilities that the petitioner may loose his seniority on the promoted post, in case if he is relieved at a later stage and meanwhile, other persons, who have been promoted along with the petitioner assumes duty on an earlier date may march ahead of the petitioner for the purpose of seniority.
5. Given the aforesaid facts and circumstances of the case, this Court does not intend to keep the petition pending, rather ends of justice would meet if the writ petition is disposed off with a direction to the respondent no.4 to ensure compliance of the order dated 06.08.2018 whereby the petitioner has got promotion and posted at Bemetara. In case if the respondent no.4 finds it difficult to relieve the petitioner, then necessary order should be obtained from the respondent no.2 assuring the fact that the petitioner's seniority on the promoted post shall be protected during the period he is not relieved from the present place of posting.
6. With the aforesaid observations, the present writ petition stands disposed off.

Sd/-  
**(P. Sam Koshy)**  
Judge