

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 7496 of 2018**

B. S. Nishad Late Shri D. S. Nishad, Aged About 62 Years, R/o Occupation-Inspector, Posted At Police Line, PS-Civil Line, District Bilaspur Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Home And Police Affairs And Finance, Mahanadi Bhawan, New Mantralay, District-Raipur Chhattisgarh
2. Director General Of Police, Police Head Quarter, District Raipur Chhattisgarh
3. Inspector General Of Police, Bilaspur, District Bilaspur, Chhattisgarh

---- Respondents

For Petitioner	:	Shri Harshwardhan Jaiswal, Advocate
For State	:	Shri D. Wankhede, Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****14.11.2018**

The grievance of the petitioner in the present writ petition is for a direction to the respondents to consider the case of the petitioner for promotion from the post of Inspector to the post of Deputy Superintendent of Police for which the petitioner is eligible and has all the requisite qualification.

2. Perusal of the record would show that the petitioner has been issued

with a charge sheet and is facing a departmental enquiry. The DPC has not been convened as of now where the petitioner has been left out for being considered.

3. Given the fact that the petitioner is facing a departmental enquiry, this Court is of the opinion that the only relief which can be granted at this juncture is that if at all if a DPC is convened during the pendency of the departmental enquiry and the petitioner falls within the zone of consideration, under the said circumstances, the case of the petitioner should also be considered and his claim should be kept in a sealed cover applying the sealed cover procedure till the departmental enquiry finally concluded.

4. Counsel for the petitioner fairly submits that as of now no DPC has been convened so as to hold that the petitioner has not been considered. It is also not the case where the junior to the petitioner has already superseded the petitioner.

5. Given the facts, this Court does not find any strong case made out for grant of a relief at this juncture. The writ petition fails and accordingly stands rejected.

6. However, the rejection of the writ petition would not preclude the case of the petitioner from being considered subject to fulfilling the requisite eligibility criteria in accordance with the rules governing the field.

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