

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 3141 of 2008

1. Anil Kumar Awasthi S/o Late Shri Hiralal Awasthi, Presently Working As Head Constable, Police Headquarter, Karmshala, Raipur, District - Raipur C.G.

---- Petitioner

Versus

1. State Of Chhattisgarh And Others Training And Tele Communication Chhattisgarh, Police Head Quarters, Raipur. District - Raipur C.G.
2. The Dy. Inspector General Of Police Training And Tele Communication Chhattisgarh, Police Head Quarters, Raipur. District - Raipur C.G.
3. The Superintendent Of Police Tele Communication, Bhilai Zone, District - Durg C.G.
4. The Add. Director General Of Police Tele Communication Chhattisgarh, Police Head Quarters, Raipur. District - Raipur C.G.
5. The Director General Of Police Chhattisgarh, Police Head Quarters, Raipur

-----Respondents

For Petitioner	: Mr. Sharmila Singhai, Advocate.
For State	: Mr. Jitendra Pali, Dy. A.G.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

21.06.2019

1. The present writ petition has been filed seeking direction to the respondents to consider promotion of petitioner to the post of Assistant Sub-Inspector (Tele Communication Technician) from the date his juniors were promoted i.e. 29.03.2005. On the previous date of hearing, it was revealed that the case of the petitioner was not considered for promotion on account of the fact that there were certain promotion orders which were

issued against the petitioner and which were operational when the D.P.C. was convened.

2. This Court had directed the State Counsel on the previous date of hearing i.e., 15.01.2019 to produce before the Court documents showing that the petitioner was inflicted with four punishment which were operational when the D.P.C. was held.
3. Shri Jitendra Pali, Dy. Advocate General appearing for the State produced before this Court certain records relevant portion of service records which shows that the petitioner was inflicted with the punishment of censures on 17.05.2001, 07.11.2001, 03.12.2001 and 10.12.2001.
4. On perusal of the record, this Court is convinced of the fact that D.P.C. was held for the promotion to the post of Sub-Inspector but the petitioner has not been considered on account of the fact that he was inflicted with four punishment during the same period.
5. In view of the fact that the four punishment were in operation when the D.P.C. was convened, the petitioner could not have been promoted and the non-consideration of the petitioner for promotion on account of the punishment order issued, cannot be said to be in any manner, bad in law or arbitrary, neither it is a case of malafide nor discrimination.
6. In view of the same, the present Writ Petition being devoid of merit the same stands dismissed.

Sd/-
(P. Sam Koshy)
Judge