

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 2918 of 2019**

Virendra Yadu S/o Late Shri Ram Khilawan Yadu, Aged About 39 Years
Presently Working As Assistant Platoon Commander, STF - HQ
Baghera, District Durg, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, Government Of Chhattisgarh, Department Of Home (Police) Mahanadi Bhawan, Mantralaya, Raipur, Chhattisgarh
2. The Director General Of Police, Police Head Quarter, Raipur Chhattisgarh
3. The Additional Director General Of Police, Chhattisgarh Armed Force, Police Head Quarters, Raipur, Chhattisgarh
4. The Superintendent Of Police, STF, Head Quarters, Baghera District Durg, Chhattisgarh
5. Harendra Nath Pandey Presently Working As Platoon Commander In STF Baghera, District Durg, Chhattisgarh

---Respondents

For petitioner	:	Shri Sushil Dubey, Advocate.
For State	:	Shri Saleem Kazi, Dy. A.G.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****16/05/2019**

1. The dispute in the present writ petition is that the petitioner has been wrongly denied the promotion to the post of Platoon Commander. The reason for denial of promotion was on the ground that the name of the petitioner did not reflect in the gradation list of Assistant Platoon Commander which was taken into consideration for promotion.

2. The petitioner had filed WPS No. 3305/2017 which stood disposed of on 08.10.2018. While disposing of the said writ petition, this Court had directed the Director General of Police to take a decision on the claim of the petitioner so far as adding his name in the gradation list is concerned. Respondent no.2 i.e. the Director General of Police, in compliance of the order passed by this Court, passed an order on 20.02.2019 accepting the mistake of the petitioner's name being left out and accordingly ordered for adding the name of the petitioner in the gradation list of the Assistant Platoon Commander. The name of the petitioner has been added at serial no.184-A.
3. The grievance of the petitioner in the present writ petition is that though in the gradation list the name of the petitioner has been ordered to be added but the petitioner has till date not received the consequential relief of being considered for promotion to the post of Platoon Commander. The persons junior to the petitioner have been granted promotion and the petitioner also now in the light of the rectification of the gradation should be considered for grant of promotion from the date his immediate juniors have been granted promotion.
4. The claim of the petitioner from the facts narrated above seems to be genuine claim as it appears that the petitioner was not considered for promotion to the post of Platoon Commander only on account of his name not being reflected in the gradation list. Now that his name has been added in the gradation list, the petitioner would be entitled for all such benefits that have been extended to the persons who are junior to the petitioner and which otherwise would have been given to the petitioner had his name been included in the gradation list at the first instance.

5. Given the aforesaid facts, let respondent no.2 take a fresh decision in this regard as to whether the petitioner would be entitled for promotion to the post of Platoon Commander at par with his immediate juniors or not, at the earliest preferably within a period of 4 months from the date of receipt of copy of this order.
6. With the aforesaid observation, the writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
JUDGE

Khatai