

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 3420 of 2019**

Pramod Kumar Amaltash S/o Shri Mewa Ram Amaltas, Aged About 39 Years, R/o Village Sohla Belha, House No. 01, P.S. Jarhagaon, District Mungeli Chhattisgarh, Presently Posted As S.I. At P.S. Mohan Nagar, Durg, District Durg, 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. Inspector General Of Police (Administration) Police Head Quarter, Naya Raipur, District Raipur, Chhattisgarh
4. Inspector General, Durg Range, District Durg, Chhattisgarh
5. Inspector General Rajnandgaon, District Rajnandgaon Chhattisgarh

---Respondents

For petitioner	:	Shri Akhtar Hussain, Advocate.
For State	:	Shri Jitendra Pali, Dy. A.G.

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

1. The relief sought for by the petitioner in the present writ petition is for grant of promotion from the post of Sub-Inspector to the post of Inspector.
2. According to the counsel for the petitioner, last time when the DPC was convened in the year 2018, the case of the petitioner could not be considered for promotion on account of the pending departmental enquiry against the petitioner. The said enquiry has now come to an

end and a final order has been passed on 14.08.2018 imposing fine of Rs.1,000/- which the petitioner has since deposited in the department. According to the petitioner, now the vigor of the punishment and the departmental enquiry is over and the respondent authority should consider granting of promotion to the petitioner immediately at par with his immediate junior. Counsel for the petitioner submits that imposition of fine as a penalty would not hamper the promotional avenues of the petitioner. In this regard the petitioner relies upon the decision of the Supreme Court in the case of Union of India and another Vs. S. C. Parashar reported in 2006 (3) SCC 167. He further submits that the concerned authority may be directed to consider the case of the petitioner for promotion in the light of the directions given by the Supreme Court in the aforesaid judgment.

3. Taking into consideration the entire facts and circumstances of the case particularly, taking note of the fact that promotion to the petitioner was denied on account of pendency of the departmental enquiry. Departmental enquiry has since been concluded, the petitioner has not been inflicted with a major penalty. The petitioner was imposed with only a fine and the fine amount has also been deposited. Even if the petitioner at that relevant point of time could not be considered for promotion but subsequent to the departmental enquiry getting concluded and he was inflicted with only a minor penalty of fine, the Petitioner deserves to be considered for promotion to the next higher post.
4. Let the respondents in the light of the aforesaid facts and circumstances of the case consider the case of the petitioner afresh, as the departmental enquiry having been concluded and the

petitioner having been inflicted with only a minor punishment which should not come in the way of grant of promotion to the post of Inspector. Let the petitioner's case be considered for promotion in accordance with the promotional rules and guidelines applicable and an appropriate decision be taken at the earliest preferably within a period of 90 days from the date of receipt of copy of this order.

5. The writ petition accordingly stands disposed off

Sd/-
(P. Sam Koshy)
JUDGE

Khatai