

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 7175 of 2019

1. Bantlu Ram Bhagat, S/o Jhirku Ram Bhagat, Aged About 48 Years, Presently Posted As Assistant Commander, 16th Vahini, Chhattisgarh Security Forces, Narayanpur, District : Narayanpur, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Home Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, Raipur, District : Raipur, Chhattisgarh
2. Director General Of Police, Police Head Quarter, Atal Nagar, Raipur, District : Raipur, Chhattisgarh
3. Commandant, 16th Vahini, Chhattisgarh Security Forces, Narayanpur, District : Narayanpur, Chhattisgarh
4. Sachindra Kumar Choubey, Assistant Commandant, Raigarh, District: Raigarh, Chhattisgarh

---Respondents

For Petitioner	:	Mr. C. Jayant K. Rao, Advocate
For State	:	Mr. Ashutosh Mishra, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy

Order on Board

12.09.2019

1. The grievance of the petitioner in the present Writ Petition is that, the petitioner's seniority has been substantially disturbed by the respondents while preparing the Gradation List published by the respondents as on 01.04.2018 is concerned.
2. The contention of the petitioner is that, when the previous gradation list was prepared, showing the seniority as on 01.04.2011 the name of the petitioner was reflected at Sr. No. 3 in the list pertaining to the

Company Commander and the name of the Respondent No. 4 was reflected at Sr. No. 5 in the said list.

3. However, in the recent Gradation List, which has been published by the respondents, the name of the Respondent No. 4 has been reflected at Sr. No. 152 and the name of the petitioner has been reflected at Sr. No. 435. The date of appointment of the Respondent No. 4 also has been wrongly typed in the latest gradation list and it appears that for this reason, the petitioner's seniority must have got disturbed.
4. The further contention of the petitioner is that, so far as granting seniority and other benefits are concerned, the petitioner had already approached this High Court by filing WPS No. 3251 of 2012, which was disposed off by this Court on 18.08.2017. Pursuant to the order passed by the State Government vide order dated 04.01.2018 granting the benefit of seniority and continuity of service from the date of removal till the date of reinstatement and onwards. Thus, the petitioner cannot be deprived off seniority right from the date of initial appointment and which the petitioner had been enjoying till the recent gradation list has been published.
5. The petitioner further submits that the change in the order of seniority would adversely affect the promotion process which is under process to the post of Assistant Superintendent of Police/Deputy Commandant.
6. The further contention of the petitioner is that, the petitioner had already made two representations in this regard to the Respondent

No. 2 vide representation dated 04.02.2019 and 07.03.2019 but till date, no decision has been taken on the said representation.

7. Given the said fact and circumstances of the case, this Court is of the opinion that no fruitful purpose would be served in keeping the Writ Petition pending rather ends of justice would meet, if the Writ Petition is disposed off with a direction to the Respondent No. 2 to decide the representation of the petitioner, particularly taking into consideration the initial date of appointment of the petitioner and comparing the same to one Shri Sachindra Kumar Choubey in the Gradation List and also taking into consideration the order passed by the State Government dated 04.01.2018 granting the entire seniority to the petitioner from the date of his initial appointment.
8. Let this exercise be concluded within 60 days from the date of receipt of copy of this Order passed by this Court.
9. It shall be the responsibility of the petitioner to apprise the Respondent No. 2, so far as the order passed by this Court is concerned.
10. Accordingly, the present Writ Petition stands disposed off.

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