

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 8143 of 2019**

- Pintu Sharma, S/o Late Shri Manager Sharma, Aged About 31 Years, Occupation - Head Constable Under The Office Of 20th B.N. CAF (I/R) Parsada District - Mahasamund Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, Home Police Affairs, Mahanadi Bhawan, Atal Nagar District - Raipur Chhattisgarh
2. Director General Of Police, Police Head Quarter, Atal Nagar District Raipur Chhattisgarh
3. Additional Inspector General Of Police (Administration) Police Head Quarter, Atal Nagar District- Raipur Chhattisgarh
4. The Commandant, 20th B.N.CAF,, (I/R), Mahasamund District- Mahasamund Chhattisgarh

---- Respondents

For Petitioner : Shri Prakash Tiwari, Advocate

For Respondents/State : Shri Soumya Rai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****14/10/2019**

1. The grievance of the petitioner is that the petitioner is working in the home police department under the office of Commandant, 20th B.N.CAF, [I/R], District Mahasamund, C.G. It is stated that the petitioner because of handicapped brother and ill health of mother sought transfer from Head Constable (General Duty) to the ministerial cadre even to a lower post, as per the policy. It is stated that the said option was exercised pursuant to the rule 15(A) of the fundamental rule and as per GOP circular No. 55 (Annexure P-4). It is stated that the said circular purports that a person can opt for another stream/ cadre if he forgoes his seniority to a lower post. It is

contended that the petitioner application though is pending consideration since 2012, the same was forwarded by the Additional Director General of Police by order dated 08.03.2019, however, no decision has been arrived at by the Office of Director General of Police. Therefore, the same may be directed to be decided within a stipulated time.

2. Perused the GOP No. 55 as also the recommendation made by the Additional Director General of Police by letter dated 08.03.2019, whereby, the application of the petitioner to change his stream/ cadre has been forwarded. Learned counsel for the petitioner submits he is ready and willing to forgo his seniority as per circular GOP No. 55.
3. Considering the same, the Director General of Police (Respondent No.2) is directed to decide the application of the petitioner within a period of 90 days from the date of receipt of copy of this order.
4. Accordingly, the petition stands disposed of.

Goutam Bhaduri
Judge