

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 8676 of 2019**

- Ashfaque Ahmad Ansari, (A.A.Ansari) S/o Late Sheikh Munnu Aged About 51 Years, Occupation Sub Inspector Under The Police Line Raipur, District Raipur Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh, Through Secretary, Home Police Affairs, Mahanadi Bhawan, Atal Nagar New Raipur Chhattisgarh.
2. The Director General Of Police, Police Head Quarter Raipur, Atal Nagar District Raipur Chhattisgarh.
3. The Inspector General Of Police (Administration) Police Head Quarter Raipur, Atal Nagar District Raipur Chhattisgarh.
4. Superintendent Of Police Raipur, District Raipur Chhattisgarh.

---- Respondents

For Petitioner : Shri Prakash Tiwai, Advocate

For Respondents/ State : Shri Avinash Singh, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****21/10/2019**

1. The petitioner contents that in the year 2008, while he was posted as ASI at Pt. Dindayal Updhyay Nagar, Raipur at the instant of petitioner huge arms and ammunition and sleeping cell network was unearthed & recovered and 8 accused were arrested by the petitioner. Considering the bravery of the petitioner, the Police Department considered to honour the police team and decided to award the petitioner and others to give out of turn promotion.
2. It is contended that along with the petitioner there where 13 other persons,

who also raided in recovery of arms and ammunition. The said 13 persons were promoted on 15.12.2008 (Annexure P-4). The petitioner though was part of the team and had led the entire charge for recovery of arms and ammunition inadvertently his name was left out in the list of promotion. It is contended that the other juniors were promoted and petitioner was subsequently promoted on 15.06.2009, whereby the promotion was affected after the juniors were promoted. The said late promotion resulted into juniors become equivalent to petitioner. It is contended that the petitioner therefore had filed representation before Respondent No. 2, however, the same remains undecided. The prayer of petitioner is that promotion should be considered and be given affect to from the date of 2008 from which juniors were promoted by order dated 15.12.2008.

3. Perused the documents.
4. Perusal of the documents would show that the petitioner along with the other police team conducted raid and recovered arms and ammunition and naxal literature for which the petitioner along with the whole team of Pt. Dindayal Upadhyay Police Station were recommended for promotion. The recommendation is Annexure P-2 dated 30.09.2008, subsequent to it the document would show that the petitioner was given Rs. 5,000/- cash award whereas the other team members Rs. 1000/- and Rs. 500/- each. Subsequent to it 13 members of the team who raided along with the petitioner were promoted by order dated 15.12.2008 (Annexure P-4). The said list do not contain the name of the petitioner, however, subsequently the name of the petitioner was considered and the petitioner was promoted on 15.06.2009.
5. The grievance of the petitioner is that though the juniors were promoted, however, since the petitioner promotion was considered lately as such the real reward which has been given to the petitioner has been side lined.

Taking into such fact and after perusal of the document which shows that petitioner was considered along with the other team members of the police who were part of the recovery and were instrumental to burst out sleeping cell of the naxal, recovered arms and ammunition and arrested the accused. The document further shows that the petitioner was also considered to be promoted out of turn as a reward. However, prima facie documents shows that the name of petitioner was left out in the original list, whereby, the other team members were promoted on 15.12.2008. Taking into such fact, the representation of the petitioner which is in detail required to be decided. It goes without saying that the petitioner shall be at liberty to make a fresh representation, wherein, narrating all the facts along with relevant documents if any within a period of three weeks from the date of receipt of copy of this order before Respondent No. 2 and respondent No. 2 may consider thereafter to make the effect to promotion of the petitioner from the date from which the juniors were promoted. The said representation if so filed shall be decided within a period of 90 days.

6. With such observation the petition stands disposed of.

Sd/-

Goutam Bhaduri
Judge