Item No.3

IN THE HIGH COURT OF MANIPUR
AT IMPHAL

WP(C) No. 109 of 2020

Monoharmayum Sanjit Sharma

....Petitioner

-Versus-

State of Manipur & 2 Ors.

....Respondents

BEFORE

HON'BLE MR. JUSTICE LANUSUNGKUM JAMIR

Order

25.02.2020

Heard Mr. N. Zequeson, learned counsel for the petitioner as well as Mr. Shyam Sharma, learned G.A. for respondent Nos. 1 & 2 and Mr. RS. Reisang, learned senior counsel for respondent No. 3/ Manipur Public Service Commission (MPSC).

The petitioner is presently serving as Jemadar in the Manipur Police Department and he has been awarded Police Medal for Gallantry by the Hon'ble President of India on 12.06.2009. The petitioner has also been given 5 (five) Good Service Marks (GSM) awarded by the DGP, Government of Manipur and a Certificate of Commendation by the DGP, Government of Manipur. The next higher post for promotion from the post of Jemadar in the Manipur Rifles is to the post of Subedar. The petitioner has all the essential qualifications in terms of the Police Department (Subedar of M.R. Battalions/ Home Guard/ Training Staff), Manipur Rifle Rules, 1996.

It is submitted that a Departmental Enquiry was initiated against the petitioner. However, the same was closed by an Order dated 09.09.2019 issued by the Commandant, 1st Battalion Manipur Rifles and his period of suspension with effect from 08.09.2018 to 30.10.2018 i.e. 53 (fifty three) days was treated as on duty for all purposes. It is the case of the petitioner that due to the departmental proceeding, his case could not be considered for promotion to the post of Subedar in the DPC that was held on 17.01.2019 to 23.01.2019. However, as the departmental proceeding has already been closed, he is now eligible for promotion to the next higher post of Subedar. Further submission has been made by the learned counsel for the petitioner that the IGP (Adm.), Manipur by a Signal dated 21.12.2019 addressed to the Director, MPTC and Commandants of other Battalions has requisitioned the service books/ achievements awarded along with citation/ supporting documents duly recommended by the concerned authority for consideration under 10% category for promotion to Subedar in respect of Jemadars who are Matriculate/ HSLC or its equivalent having passed pre-promotion selection examination/ Test conducted by the MPSC and completed 3 (three) years of regular service in the Grade.

By this writ petition, the petitioner is praying for a direction to the respondents to consider his case for promotion to the next higher post of Subedar under 10% quota for out of turn promotion.

Considering the submission made, the respondents are directed to consider the case of the petitioner along with all other eligible candidates for filling up the post of Subedar under 10% quota for out of turn promotion in accordance with law and by also taking into consideration, the precedence of medal and decorations as and when DPC is conducted by the respondents.

With the above observations and directions, writ petition is disposed of.

JUDGE

joshua

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