

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 4224 of 2020**

Krishna Kumar Sharma S/o Late Shri Poshan Lal Sharma Aged About 50 Years R/o 12th Battalion, CAF, C-Company, Camp Ramgarh, Police Station And Tahsil- Sonhat, District : Koriya (Baikunthpur), Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Its Secretary, Department Of Home/Police, Mahanadi Bhawan, Mantralaya, Police Station And Post- Rakhi, Atal Nagar, New Raipur, District : Raipur, Chhattisgarh
2. Director General Of Police (D.G.P.) Police Headquarters (PHQ), Police Station And Post- Rakhi, Atal Nagar, New Raipur, District- Raipur (Chhattisgarh)
3. Deputy Inspector General Of Police (D.I.G.P.) Chhattisgarh Armed Force-2, Police Headquarters (PHQ), Police Station And Post- Rakhi, Atal Nagar, New Raipur, District - Raipur (Chhattisgarh), District : Raipur, Chhattisgarh
4. Commandant, 12th Battalion, Chhattisgarh Armed Force (CAF), Ramanujanj, District Balrampur-Ramanujanj (Chhattisgarh)
5. Ramakant Mishra Assistant Platoon Commander, 10th Battalion, Chhattisgarh Armed Force (CAF), Shilphili, District- Surguja (Chhattisgarh)
6. Shubhkaran Dubey Assistant Platoon Commander, 6th Battalion, Raigarh, District Raigarh (Chhattisgarh)

---- Respondents

For Petitioner	:	Mr. Abhishek Pandey, Advocate along with Ms. Deepika Sannat, Advocate
For State	:	Mr. Sudeep Verma, Deputy G.A.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****08/12/2020**

1. The grievance of the petitioner in the present writ petition is the non-consideration of the petitioner from being promoted from the post of Head Constable, CAF to Assistant Platoon Commander.

2. The grievance of the petitioner is that while working on the post of Head Constable, he was served with an order of punishment of reduction to the lowest stage of pay for a period of one year vide order dated 25.03.2014. The petitioner preferred an appeal to the said order and the Appellate Authority modified the order dated 25.03.2014 and modified the punishment order by reducing the same to the extent of the punishment being stoppage of one increment for a period of one year without cumulative effect. The effect of the punishment was to be made effective from July, 2015. The order passed by the First Appellate Court was affirmed by the Second Appellate Court i.e. the respondent No.2 vide order dated 01.08.2016.

3. According to the petitioner, the effect of the minor punishment imposed by the First Appellate Authority came to an end in July, 2016 and thereafter he was entitled for being considered for promotion to the next higher post. It is the further contention of the petitioner that though the rigor of the minor punishment came to an end in July, 2016. However the Department though have subsequently issued promotion orders, but the case of the petitioner for some reason have been left out. According to the petitioner, once when the rigor of the minor punishment comes to an end, thereafter the respondents under no circumstances should have withheld the case of the petitioner from being considered for promotion. He relied upon the judgment of the Hon'ble Supreme Court in the case of **“Union of India & Another v. S.C. Parashar” (2006) 3 SCC 167** laying down the aforesaid proposition.

4. The counsel for the petitioner at this juncture submits that he has made couple of representations to the respondent No.2 and he may be permitted to make an additional representation to the respondent No.2 in this regard and the same may be considered by the respondent No.2 at the earliest.
5. To the limited relief sought for by the petitioner the State counsel does not have any strong objection.
6. The writ petition accordingly stands disposed of directing the petitioner to file a fresh additional representation, which he intend to file before the respondent No.2 within a period of 10 days from the date of receipt of the copy of this order supported with all relevant contentions and the judgments, which he intends to rely upon and the respondent No.2 in turn is directed to consider and decide the said representation on its own merits considering the contents of the representation and keeping in view the rules and the regulations and the guidelines governing the field at the earliest preferably within a period of 60 days from the date of receipt of the copy of the representation to be made by the petitioner.
7. With the aforesaid observations, the present writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

Ved