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HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION (S) NO. 4523 OF 2020

1. Jagdish Prasad Son Of Late Shri Jiyalal Aged About 48 Years Working On The Post Of Constable, Pioneer Massion, Resident Of Iind Batalion Sakri, Bilaspur, District Bilaspur (Chhattisgarh).
2. Vinod Kumar Dhruve Son Of Shri Sarju Ram Dhruve Aged About 36 Years Working On The Post Of Constable Trade Plumber, 22nd Battalion, Sakri, Tahsil And District Bilaspur (Chhattisgarh).

... Petitioners

versus

1. State Of Chhattisgarh Through The Secretary, Home Department, Mantralay, Mahanadi Bhawan Naya Raipur, Atal Nagar, P.O. And P.S. Naya Raipur, District Raipur (Chhattisgarh).
2. The Director General Of Police Raipur Police Headquarter, Atal Nagar, Raipur, District Raipur (Chhattisgarh).
3. The Inspector General Of Police Chhattisgarh Arms Force, Police Headquarter, Atal Nagar Raipur, District Raipur (Chhattisgarh).
4. Special Director General Of Police Chhattisgarh Arms Force, Police Headquarter Atal Nagar, Raipur (Chhattisgarh).
5. The Commandant 1st Battalion Chhattisgarh Arms Force, Bhilai, District Durg (Chhattisgarh).
6. The Commandant 2nd Battalion Chhattisgarh Arms Force, Sakri, District Bilaspur (Chhattisgarh).
7. Ram Singh Kanwar, Constable Pioneer Platoon (Massion), 2nd Battalion, Chhattisgarh Arms Force Sakri, Bilaspur, District Bilaspur (Chhattisgarh).

… Respondents

For Petitioners	:	Mr. V.K. Pandey, Advocate.
For Respondents/State	:	Mr. V.R. Tiwari, Addl. A.G.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

25/11/2020

1. Grievance of the Petitioners in the present Writ Petition seems to be the Rules of 2010 for promotion from the post of Constable to Head Constable in the Pioneer Platoon Cadre.

2. Petitioners are working on the post of Constable, Pioneer Massion and Constable, Pioneer Plumber, respectively.

3. According to learned Counsel for Petitioners, the Rules governing the service conditions of the Petitioners, is the Rules of 2010. The said Rules required a person to undergo Physical Efficiency Test by running 8km race. Similar conditions were also available in the Rules governing the service conditions for promotion from the post of Constable to Head Constable in respect of General Duty police personnels and the said Rules of 2011 stood amended in the year

2017 whereby this requirement of undergoing the Physical Efficiency Test of running 8km race has been done away with and the Constables in the General Duty are now being granted promotion to the post of Head Constable on the basis of their Seniority-cum-Fitness. However, the Petitioners are still required to undergo the Physical Efficiency Test by running 8km race. This, according to learned Counsel for Petitioners, is arbitrary and is also discriminatory.

4. Learned Counsel for Petitioners further submits that so far as the nature of employment of the Petitioners is concerned, the Petitioners do not require to undergo that much of stress and strain as is required for a Constable working in the General Duty and if for the Constables in the General Duty the requirement of Physical Efficiency Test of running 8km race has been done away with, there is no reason why such conditions should be continued so far as the Petitioners' case and the cadre in which the Petitioners are concerned.

5. Learned Additional Advocate General however submits that the matter needs to be considered at the higher level since it is the policy matter and it would require a suitable amendment in the Rules and it would be more appropriate if the matter is referred to the State Government for taking appropriate steps in this regard.

6. Given the submission by learned Additional Advocate General, the present Writ Petition is disposed of directing the Petitioners to make a detailed representation to Respondents No. 1 and 2 who in turn shall take into consideration the entire grievances of the Petitioners and also take note of the contents of their representation. It is expected that the Respondents shall take an appropriate decision in accordance with law, at the earliest, preferably within a period of four months from the date of receipt of the representation of the Petitioners.

7. Writ Petition accordingly stands disposed of. Sd/-

(P. Sam Koshy)
JUDGE

/sharad/