

HIGH COURT OF CHHATTISGARH, BILASPURWrit Petition (S) No.7379 of 2009

1. K.S. Choudhary, Aged about 55 years, S/o Shri Jalandhar Choudhary, Occupation Service, Working as Assistant Commandant, 1st Battalion, Chhattisgarh Armed Force, Bhilai, District Durg (C.G.)
2. Ziyauddin Sheikh, Aged about 57 years, S/o Late Shri Mohd. Ismail, Occupation Service, Working as Deputy Superintendent of Police (Training), Police Training School, Rajnandgaon (C.G.)
3. B.B. Sharma, Aged about 52 years, S/o Shri R.N. Sharma, Occupation Service, Working as Assistant Commandant, 13th Battalion, Chhattisgarh Armed Force, Bango, District Korba (C.G.)
4. S.R. Mahilang, Aged about 49 years, S/o Late Shri Ramdas, Occupation Service, Working as Deputy Superintendent of Police (Training), Police Training School, Mana, District Raipur (C.G.)
5. B. Toppo, Aged about 48 years, S/o Shri Francis Toppo, Occupation Service, Working as Deputy Superintendent of Police (Training), Police Training School, Mana, District Raipur (C.G.)

---- Petitioners

Versus

1. State of Chhattisgarh, Through Secretary, Government of Chhattisgarh, Department of Home (Police), DKS Bhawan, Mantralaya, Raipur (C.G.)
2. Director General of Police, Government of Chhattisgarh, Police Headquarters, Raipur (C.G.)
3. Inspector General of Police, Administration, Police Headquarters, Raipur (C.G.)

---- Respondents

For Petitioners: Mr. R.S. Marhas, Advocate.For Respondents / State: Mr. Sunil Otvani, Additional Advocate General.
-----Hon'ble Shri Justice Sanjay K. AgrawalOrder On Board10/08/2021

1. Proceedings of this matter have been taken-up through video conferencing.
2. The petitioners have filed this writ petition claiming the relief of quashing the note appended to Schedule V of the Chhattisgarh Police Executive

(Gazetted) Services Recruitment and Promotion Rules, 2005 and also prayed to issue a direction to the respondents to separate the Company Commander Cadre from the rest and prepare a separate gradation list of its officer. The petitioners have further sought relief that a direction be issued to the respondent authorities not to post the officers of other cadres to the Special Armed Forces/ Chhattisgarh Armed Forces as the posts are not interchangeable, as it is violation of the order of the State Administrative Tribunal dated 22-6-1999 (Annexure P-2) passed in O.A. Nos.817/1998 and 818/1998.

3. The State Government has filed reply on 14-2-2011 holding in paragraphs 6 and 7 as under: -

“6. It is respectfully submitted that presently after promotion of DSP into Indian Police Services all the cadres are integrated into a general cadre. However, in view of the issues raised by the petitioner and in this light of the direction the State is already working on it and is expected to arrive at a conclusion in framing policy within a couple of months. So the State is neither flouting the order of the SAT nor is acting in contrary to the present existing Rules, therefore the petition having no merits, deserves to be dismissed.

7. The petition is further not maintainable because the representations made by the petitioners on 21/08/2006 is under consideration by the State and the State is expected to come out with the policies on the basis of their representation within a very short span of time, therefore their petition is not maintainable.”

4. As per the submission of learned counsel for the petitioners and the stand of the respondents / State in return, the writ petition is disposed of in terms of paragraphs 6 and 7 of the stand taken by the State Government in its return. I hope and trust that the aforesaid statement will be honoured by the State in its letter and spirit within reasonable time. No order as to cost(s).

Sd/-
(Sanjay K. Agrawal)
Judge