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HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No.3695 of 2016**

- Arvind Upadhyay, S/o Shri Krishna Kumar Upadhyay, Aged About 27 Years, Posted as Constable at Ambikapur, R/o Patpariya, Ambikapur, Dist. Surguja, Chhattisgarh

----- Petitioner**Versus**

- 1.State of Chhattisgarh through the Principal Secretary, Home Department, Mahanadi Bhawan, New Raipur, Distt. Raipur, Chhattisgarh
- 2.Director General of Police, PHQ, Raipur, Chhattisgarh
- 3.The Inspector General of Police, Surguja Range, Dist. Surguja, Chhattisgarh
- 4.Additional Director General of Police (Administration), PHQ Raipur, Chhattisgarh
- 5.The Superintendent of Police, Surguja, Dist. Surguja, Chhattisgarh

----- Respondents**WPS No.3050 of 2016**

- Manish Yadav, S/o Shri Nokhelal Yadav, Aged About 29 Years, Posted as Constable at Ambikapur, R/o D. C. Road, Ambikapur, District Surguja, Chhattisgarh

----- Petitioner**Versus**

- 1.State of Chhattisgarh through the Principal Secretary Home Department, Mahanadi Bhawan, New Raipur, District Raipur, Chhattisgarh
- 2.Director General of Police, PHQ, Raipur, Chhattisgarh

3. The Inspector General of Police, Surguja Range, District Surguja, Chhattisgarh
4. Additional Director General of Police (Administration), PHQ, Raipur, Chhattisgarh
5. The Superintendent of Police, Surguja, District Surguja, Chhattisgarh

----- Respondents

For Petitioners	Mr. R. K. Pandey, Advocate
For Respondent-State	Mr. Avinash Singh, PL

Hon'ble Justice Shri Sanjay K. Agrawal

Order On Board

20/07/2021

1. Proceedings of the matter have been taken up through Video Conferencing.
2. Since the common question of law and fact is involved in both the writ petitions, they are being heard together and disposed of by a common order.
3. It is the case of the petitioners that they were inflicted with the major penalty by the Competent Authority, therefore, their case for promotion on the post of Head Constable has not been considered.
4. Mr. Pandey, learned counsel for the

petitioners, would submit that as per the amended SOP dated 23.10.2002 (Annexure-R/1), a candidate is not eligible for promotion for the post of Head Constable for 5 years from the date of inflicting of major punishment. He would further submit that on 11.12.2018, the petitioners have already completed 5 years of major punishment, thus they have become eligible for promotion to the post of Head Constable, therefore, the respondents may be directed for considering the case of the petitioners for promotion to the post of Head Constable.

5. Learned State counsel would support the impugned order and would submit that if the petitioners have already completed 5 years of major punishment, their case will necessarily be considered for promotion to the post of Head Constable in accordance with law.
6. I have heard learned counsel for the parties, considered their rival submissions made hereinabove and went through the records with utmost circumspection.

7. Be that as it may, since according to learned counsel for the petitioners, the petitioners have already completed 5 years of major punishment on 11.12.2018 from the date of inflicting of major punishment, therefore, their case be considered for promotion to the next promotional post of Head Constable in accordance with law and as per the amended SOP dated 23.10.2002 (Annexure-R/1) and the order dated 23.09.2015 (Annexure-R/2) passed by the respondent No.3, the IG, Sarguja Range, District Sarguja.
8. With the aforesaid observation, both the writ petitions finally stand disposed of. No order as to cost (s).

Sd/-
Sanjay K. Agrawal
Judge

Nirala