

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No. 865 of 2021

1. Maxi Millian Minj S/o Shri Mathias Minj, Aged About 59 Years R/o Hig-7, Subhash Chowk, R.P. Nagar, Phase-2, Korba, Police Station Rampur, Tahsil and District Korba Chhattisgarh.

---Petitioner(s)

Versus

1. State of Chhattisgarh Through Its Secretary, Department of Home/Police, Mahanadi Bhawan, Mantralay, 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.), Administration, Police Headquarters (PHQ), Police Station and Post Rakhi, Atal Nagar, New Raipur, District Raipur Chhattisgarh.
4. Inspector General of Police (IGP), Office of Inspector General of Police (IGP), Bilaspur Range, District Bilaspur Chhattisgarh.
5. Superintendent of Police (S.P.) Office of Superintendent of Police (S.P.) Korba, District Korba (Chhattisgarh).
6. Superintendent of Police (S.P.) Office of Superintendent of Police (S.P.), Janjgir Champa, District Janjgir Champa (Chhattisgarh).

---Respondents

For Petitioner	:	Shri Abhishek Pandey and Ms. Laxmin Kashyap, Advocates.
For State	:	Shri Rahul Jha, Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

22.02.2021

1. The grievance of the petitioner in the present writ petition is the inaction on the part of the respondents in not granting promotion to the petitioner from the post of Inspector to the post of Deputy Superintendent of Police.
2. According to the petitioner, the respondent authorities have found the petitioner fit and eligible on 22.02.2018 for promotion, however, on account of a minor punishment which the petitioner was inflicted with vide order dated 15.02.2018 the petitioner could not be granted said promotion.
3. The grievance of the petitioner now is that though the rigor of that punishment has come to an end in the year, 2019, thereafter he became eligible for promotion and the respondents are expected to take a decision

on the same at the earliest. The petitioner relied upon a judgment of this court in Krishna Kumar Sharma Vs. State of Chhattisgarh & Others, WPS No.4224 of 2020, which was decided on 08.12.2020 wherein under similar circumstances this court has reached to the conclusion that immediately after the rigor of the minor punishment is over the petitioner would be entitled for the benefit of promotion. The view of this court was based upon the judgment of Supreme Court in case of Union of India & Another Vs. SC Parashar, 2006 (3)SCC 167.

4. In the instant case also since the punishment inflicted upon the petitioner was a minor punishment and which was issued in February, 2018, the rigor of that punishment came to an end in the year, 2019 and thereafter the petitioner ought to have got his promotion back.
5. Given the said facts, let the respondents No.1&2 take an appropriate decision so far as the claim of the petitioner for promotion to the post of Deputy Superintendent of Police in the light of the aforesaid observations made by this court in Krishna Kumar Sharma (Supra) at the earliest preferably within a period of 60 days from the date of receipt of copy of this order.
6. The writ petition accordingly stands disposed of.

(P. Sam Koshy)
Judge