

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No.569 of 2010**

1. Vardan Lakra, S/o Shri Nirranjan Lakra, aged about 39 years, R/o Village Khutera, P.S. Kansabel, Distt. Jashpur, Chhattisgarh, presently working as Head Constable in District Suguja (C.G.)
2. Chamru Ram Paikra, S/o Shri Bandhan Ram Paikra, aged about 39 years, R/o Village Rakeli, P.O. Jamdih, P.S. Udaipur, Distt. Surguja (C.G.), presently working as Head Constable in District Surajpur (C.G.)
3. Dilsai Kujur, S/o Late Shri Mohan Sai, aged about 40 years, R/o Boda, P.S. Batouli, P.S. Kotwali, Distt. Surguja (C.G.), presently working as Head Constable in District Suguja (C.G.)
4. Prakash Ekka, S/o Shri Patras Ekka, aged about 33 years, R/o Village Mahuwatoli, P.S. Narayanpur, Distt. Jashpur (C.G.), presently working as Head Cosntable in Distt. Surguja
5. Virad Sai Paikra, S/o Shri Sadhuran Paikra, aged about 29 years, R/o Mayurnala, P.O. Bagbahar, Distt. Jashpur (C.G.), presently working as Head Constable in District Jashpur (C.G.)

----- Petitioners**Versus**

1. State of Chhattisgarh through Secretary, Department of Home, D.K.S. Bhawan, Mantralaya, Raipur (C.G.)
2. Inspector General of Police, Surguja Range, Surguja, Distt. Surguja (C.G.)
3. Superintendent of Police, Surguja, Distt. Surguja (C.G.)
4. Superintendent of Police, Jashpur, Distt.

Jashpur (C.G.)

----- Respondents

For Petitioners	Mr. Animesh Verma, Advocate
For Respondent-State	Mr. Avinash Singh, PL

Hon'ble Justice Shri Sanjay K. Agrawal

Order On Board

17/08/2021

1. Proceedings of this matter have been taken up through Video Conferencing.
2. The petitioners by way of this writ petition call in question the legality, validity and the correctness of the order dated 06.01.2010 vide Annexure-P/1 (wrongly mentioned as '06.01.2009'), whereby the petitioners' promotion on the post of Head Constable has been cancelled/annulled.
3. Mr. Animesh Verma, learned counsel for the petitioner, would submit that by the impugned order dated 06.01.2010 vide Annexure-P/1 (wrongly mentioned as '06.01.2009'), the petitioner's promotion on the post of Head Constable has been declared invalid without

affording any opportunity of hearing to the petitioners, which is in violation of the principle of natural justice. Therefore, the impugned order (Annexure-P/1) may kindly be set aside and the respondent authorities may be directed to consider the case of the petitioners for promotion to the post of Head Constable.

4. Mr. Avinash Singh, learned State counsel, would support the impugned order and submit that the petitioners are not qualified to get promoted to the post of Head Constable, therefore, the impugned order (Annexure-P/1) has rightly been passed.
5. I have heard learned counsel for the parties, considered their rival submissions made herein-above and went through the records with utmost circumspection.
6. True it is that the petitioners were promoted to the post of Head Constable in the year 2009 and vide impugned order (Annexure-P/1), their promotion to the post of Head Constable has been declared invalid, but the fact remains

that no opportunity of hearing was granted to the petitioners before passing the order (Annexure-P/1), which is in complete violation of principle of natural justice and the petitioners ought to have been given the show cause notice/reasonable opportunity of hearing to defend them, but no such opportunity was afforded to the petitioners, because of which they have suffered prejudice. Accordingly, the impugned order dated 06.01.2009 (Annexure-P/1) is hereby set aside. However, the respondents are at liberty to proceed in accordance with law.

7. The writ petition is allowed to the extent indicated herein-above. No order as to cost (s).
8. Mr. Animesh Verma is permitted to file Vakalatnama during the course of the day.

Sd/-
Sanjay K. Agrawal
Judge

Nirala