

**HIGH COURT OF CHHATTISGARH AT BILASPUR****Writ Petition (S) No. 7711 of 2011**

Ashok Kumar Sharma S/o Shri R.S. Sharma, Aged about 54 years, Occupation Town Inspector, P.S. Modhapara, Raipur, Distt. Raipur, Chhattisgarh.

**---Petitioner**

**Versus**

1. State of Chhattisgarh, Through Principal Secretary, Department of Home Affairs, D.K.S. Bhawan, Mantralay, Raipur, Chhattisgarh.
2. The Director General of Police, State of Chhattisgarh, D.K.S. Bhawan, Raipur, Chhattisgarh.
3. The Inspector General of Police, Range Raipur, Distt. Raipur, Chhattisgarh.
4. Senior Superintendent of Police, Raipur, Distt. Raipur, Chhattisgarh.

**---Respondents**

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For Petitioner :- Mr. Sandeep Dubey, Advocate

For State :- Mr. Siddharth Dubey, Dy. G.A.

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**Hon'ble Shri Justice Sanjay K. Agrawal**  
**Order on Board (Th. Video Conferencing)**

**25/08/2021**

1. Mr. Sandeep Dubey, learned counsel for the petitioner, would submit that though petitioner

has been granted promotion on the post of Inspector with effect from 20/06/2001 by order dated 23/03/2007, but other consequential benefits/monetary benefits have not been granted to him which he is entitled to get from 20/06/2001 to 01/04/2007 on the principle of 'no work no pay' which is apparent from Annexure R/1. He would rely upon the decision rendered by the Supreme Court in the matter of Union of India v. K.V. Jankiraman<sup>1</sup>.

2. Mr. Siddharth Dubey, learned State counsel, would submit that though petitioner has been granted proforma promotion with effect from 20/06/2001 but as per clause 4 of the G.O.P. issued by the Police Headquarters, Raipur, he is not entitled for monetary benefits on the principle of 'no work no pay'.

3. I have heard learned counsel for the parties, considered their rival submissions and perused the records.

4. True it is that petitioner has been granted proforma promotion on the post of Inspector with effect from 20/06/2001, but he has not been given monetary benefits from 20/06/2001 to

01/04/2007 for which he has made representation on 04/12/2011 which is pending consideration before respondent No. 3, but at the same time, in the return filed by the respondents/State, clause 4 of the G.O.P. has been relied upon wherein it has been held that if a departmental proceeding or a criminal case is pending against any employee and after the disposal of the departmental proceeding/criminal case, if the employee has not been found guilty and he is found entitled for promotional post then he will be entitled for all benefits except for the monetary benefits on the principle of 'no work no pay'.

5. Be that as it may, since petitioner's representation is pending for monetary benefits from 20/06/2001 to 01/04/2007, it will be considered and decided by the competent authority within 45 days from the date of receipt of copy of this order. Petitioner is at liberty to make additional submission and also file documents containing clause 4 of the G.O.P. which would be inapplicable to him as according to learned counsel for the petitioner it is not the case of exoneration from departmental

proceeding or acquittal from criminal case but it is a case of illegal deprivation of promotion to the petitioner by the respondents. All the submissions are kept open to be considered by the competent authority within the aforesaid period.

6. Accordingly, the instant writ petition stands disposed of. No cost(s).

**Sd/-**  
**(Sanjay K. Agrawal)**  
**Judge**

Harneet