

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No.5857 of 2011**

- Ram Narayan Baghel, S/o Shri G. R. Baghel, aged about 52 years, R/o Qr. No.HIG 317, Vijeta Complex, New Rajendra Nagar, Raipur, Block No.5, Presently Posted as Assistant Commandant, 3rd Battalian, CAF, Amleshwar, Durg (C.G.)

----- Petitioner**Versus**

- 1.State of Chhattisgarh through the Secretary, Department of Home (Police), Mantralaya, D.K.S. Bhawan, Raipur (C.G.)
- 2.Director General of Police, Police Head Quarters, Raipur (C.G.)
- 3.Inspector General of Police (Administration), Police Head Quarters, Raipur (C.G.)

----- Respondents

For Petitioner	Mr. K. Rohan, Advocate
For Respondent-State	Mr. Avinash Singh, Dy. GA

Hon'ble Justice Shri Sanjay K. Agrawal**Order On Board****23/08/2021**

1. Proceedings of this matter have been taken up through Video Conferencing.
2. The petitioner herein calls in question the legality, validity and the correctness of the

gradation list (Annexure-P/1), whereby the petitioner has been denied seniority on the post of DSP w.e.f. 13.07.2000. The petitioner also challenges the order dated 28.11.2006 (Annexure-P/2), whereby the petitioner's representation for grant of seniority on the post of DSP w.e.f. 13.07.2000 has been rejected.

3. Mr. K. Rohan, learned counsel for the petitioner, would submit that though the petitioner has been promoted to the post of DSP w.e.f. 03.11.2004, but he is entitled to be promoted w.e.f. 13.07.2000. The petitioner has also made representation to the respondent authorities in this regard, but the same has been rejected vide order dated 28.11.2006 (Annexure-P/2) by a non speaking and non reasoned order and no reason has been assigned as to why he is not entitled for seniority on the post of DSP w.e.f. 13.07.2000. Therefore, the impugned order is liable to be set aside and the petitioner be granted seniority on the post of DSP w.e.f. 13.07.2000.

4. Learned State counsel would support the

impugned order.

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 petitioner has been promoted to the post of DSP w.e.f. 03.11.2004, but when he made representation to the respondent authorities claiming seniority w.e.f. 13.07.2000, the same has been rejected vide order dated 28.11.2006 (Annexure-P/2) by a non speaking and non reasoned order. Accordingly, the impugned order dated 28.11.2006 (Annexure-P/2) is hereby set aside. The matter is remitted to the respondent No.1 to consider and decide the case of the petitioner afresh for grant of seniority on the post of DSP w.e.f. 13.07.2000 and pass a reasoned and speaking order within a period of 2 months from the date of receipt of copy of this order.
7. The petitioner is at liberty to make additional representation and file copy of the

order dated 30.08.2001 (Annexure-P/9) in support of his claim within 2 weeks from today.

8. With the aforesaid observation and direction, the writ petition stands disposed of. No order as to cost (s).

Sd/-
Sanjay K. Agrawal
Judge

Nirala