

HIGH COURT OF CHHATTISGARH AT BILASPUR**WRIT PETITION (S) NO. 2432 OF 2021**

- Seema Pillai, W/o Shri Krishna Kumar, aged about 43 years, R/o Flat No.G/6, Parijat Block, behind Sector 6 Police Kotwali, City Bhilai, District Durg (CG)

... Petitioner**versus**

1. State of Chhattisgarh, through the Secretary, Home Department, Mahanadi Bhawan, Mantralaya, New Raipur, District Raipur (CG)
2. D.G.P., State of Chhattisgarh, D.G.P. Office, Mahanadi Bhawan, New Raipur (CG)
3. Superintendent of Police, District Durg (CG)
4. Prashant Sagar Gupta, Sub-Inspector (M), Office of S.P., Raigarh
5. Yogesh Kumar Sawarni, working as Sub-Inspector (M), Office of S.P., Bemetara
6. Oshant Kumar Chandra, working as Sub-Inspector (M), Office of S.P., Jashpur
7. Yashwant Kumar Sinha, working as Sub-Inspector (M), Office of S.P., Durg
8. Smt Sushma Patel, working as Sub-Inspector (M), Office of S.P., Raipur

... Respondents

For Petitioner	:	Mr. T.K. Tiwari, Advocate.
For Respondent-State	:	Mr. Ayaz Naved, Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****16/08/2021**

1. Ignoring the defaults pointed out by the Registry in the instant case, heard the matter finally at admission stage itself with the consent of learned Counsels appearing for their respective party.
2. Grievance of Petitioner is the action on the part of Respondent Authorities in issuing the order of promotion dated 23.4.2020 (Annexure P-1) from the post of Assistant Sub Inspector to the post of Sub Inspector.
3. According to Petitioner, the private Respondents to the present Writ Petition are juniors to her yet they have been granted promotion ahead of her and her claim has been ignored. Contention of Petitioner is that she does not suffer from any disqualification which could have entailed non-granting of promotion to her.
4. Learned Counsel for Petitioner refers to Annexure P-2, dated 3.7.2020, whereby the Department has intimated the Respondent No.3 that Petitioner got left out from being considered for promotion only on account of ACRs of Petitioner

for the years 2014, 2015, 2016 & 2017 of four years were not available. Apart from the said, there is no other reason assigned why the Petitioner could not be promoted. Learned Counsel for Petitioner further refers to the promotion rules of the State Government framed in the year 2003 wherein it has been specifically envisaged that in the event of non-availability of ACR of a particular year, the Department should take the ACRs of the preceding years to assess the merits of a candidate for the purpose of considering the claim of promotion.

5. In the instant case, according to learned Counsel for Petitioner, if the ACRs of the aforesaid four years were not available, the Department ought to have considered the ACRs of the previous four years. Grievance of Petitioner as of now is that the persons much junior in the Department have now ahead of Petitioner by getting promotion much earlier to Petitioner, vide Annexure P-1, dated 23.4.2020.

6. Given the limited nature of dispute that exists and which does not require an adjudication as such or any point of issue to be considered and decided by a Court of law, the present Writ Petition at this juncture is disposed of directing Respondents No.2 & 3 to ensure making available the ACRs of Petitioner for the years 2014, 2015, 2016 & 2017 so that the claim of Petitioner for promotion at par with her juniors can be considered. If not, then at least apply the promotion rules pertaining to the situation where the ACRs are not available.

7. Let Respondents No.2 & 3 take appropriate decision in this regard at the earliest, preferably within a period of four months from the date of receipt of copy of this Order. The decision of Respondents should be by a speaking order.

8. In the event if Respondents find that Petitioner was eligible for promotion then the Petitioner should be granted all the consequential benefits at par with her immediate juniors who got promoted vide order dated 23.4.2020, Annexure P-1.

9. With aforesaid direction/observation, the Writ Petition stands disposed of.

Sd/-
(P. Sam Koshy)
JUDGE