

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 2357 of 2021

Melaram Kathotiya S/o Late Budhram Aged About 57 Years Occupation Service, Presently Posted As Assistant Sub Inspector, Police Station Kota, District Bilaspur And Resident Of Mig 1-39, Housing Board Colony, Devrikhurd, Police Station Torwa, Bilaspur Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Its Secretary, Department Of Home (Police), Secretariat, Mahanadi Bhawan, Atal Nagar, Naya Raipur District Raipur., District : Raipur, Chhattisgarh
2. The Director General Of Police Raipur, District Raipur Chhattisgarh
3. The Inspector General Of Police Bilaspur Range Bilaspur Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Amit Kumar Chaki, Advocate
For State	:	Ms. Akansha Jain, Dy. GA

Hon'ble Shri Justice P. Sam Koshy

Order on Board

14.06.2021

1. The present writ petition has been filed by the petitioner aggrieved of the action on the part of the respondents in not granting promotion from the post of Assistant Sub Inspector to the post of Sub Inspector.
2. Case of the petitioner is that he was promoted on the post of Assistant Sub Inspector in the year 2009 by virtue of his seniority cum merit. Subsequently, he was also entitled for promotion to the post of Sub Inspector by virtue of his length of service and meritorious service. However, the petitioner in the year 2016 was inflicted with a punishment of stoppage of one annual increment with cumulative effect. The said order was at the behest of an order passed by this Court in Writ Petition WPS

No.2309/2018 which was subsequently modified and that the punishment order earlier granted stood modified as withholding of one annual increment without cumulative effect. As a result of punishment getting modified to withholding of one annual increment without cumulative effect, the same amounts to a minor punishment which may not have adverse bearing to the claim of the petitioner for promotion. The petitioner seems to have subsequently filed a detailed representation to the respondent no.2 & 3 where the representation of the petitioner is still pending consideration

3. State counsel submits that since the representation is already pending consideration, the writ petition can be disposed of permitting the respondent no.2 & 3 to take a decision in accordance with law on the representation of the petitioner.
4. Given the facts and circumstances of the case, the writ petition stands disposed of directing the respondent no.2 & 3 to take a decision on the representation of the petitioner deciding as to whether now the petitioner would be entitled for promotion to the post of Sub Inspector or not in the light of the earlier punishment order getting modified and being converted into a minor punishment of withholding of one annual increment without cumulative effect.
5. Let a decision be taken at the earliest preferably within a period of two months from the date of receipt of copy of this order.
6. With the aforesaid observations, the writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge