

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 2214 of 2021**

Patu Singh S/o Rajpal Singh, Aged About 42 Years, Constable Badge No. 654, 13th Battalion, Chhattisgarh Armed Forces (C.A.F.) Camp Police Line Durg, District Durg (C.G.) Presently Posted At 13th Battalion Bijapur, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, Department Of Home (Police) Mahanadi Bhawan, New Raipur, District Raipur, Chhattisgarh
2. Inspector General Of Police, Chhattisgarh Armed Forces (C.A.F.) Police Headquarters, Atal Nagar, Raipur, District Raipur, Chhattisgarh
3. Deputy Commissioner Of Police, Chhattisgarh Armed Forces (C.A.F.) North Area, Surguja, District- Ambikapur, Chhattisgarh
4. Commandant, 13th Battalion, Chhattisgarh Armed Forces (C.A.F.) Bango, District Korba, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Basant Dewangan, Advocate
For State	:	Mr. Sudeep Verma, Dy. Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****05.04.2021**

1. The limited grievance of the petitioner seems to be the ignoring of the claim of petitioner for promotion from the post of Constable to the post of Head Constable.
2. The case of the petitioner, in brief, is that the petitioner is working under the respondents as a Constable. A DPC for promotion to the post of

Head Constable was convened in the year 2017. According to the petitioner, in the year 2017, the petitioner was facing a disciplinary proceeding and perhaps that could have been a reason for not considering the claim of the petitioner. The said disciplinary proceeding finally got completed where vide order dated 26.03.2018 the petitioner was punished with a minor punishment of withholding one annual increment with non-cumulative effect for a period of one year. The petitioner preferred an appeal against the said order and the appellate authority set aside the punishment of withholding of one annual increment and imposed only an order of censure vide order dated 27.10.2018. According to the petitioner, in terms of the subsequent order of censure, the petitioner became fully eligible for promotion. The further contention of the petitioner is that though the DPC was convened in the year 2017, the promotion order was finally issued in the year 2020 on which date the petitioner was not suffering from any disqualification for not being considered for promotion to the post of Head Constable.

3. Given the aforesaid factual matrix as it stands the writ petition at this juncture stands disposed of directing the respondents 2 to 4 to consider the claim of the petitioner for promotion from the post of Constable to Head Constable in accordance with the rules and regulations governing the field particularly taking note of the observations made in the impugned order Annexure P-1 dated 25.01.2020 where the case of the petitioner seems to have been left out by the DPC in the year 2017 only on the ground of pending DE against the petitioner. The respondents are expected to take appropriate steps considering the petitioner for

promotion in accordance with the rules subject to his fulfilling all other requisite eligibility criteria for promotion. Let an appropriate decision be taken in this regard within a period of 4 months from the date of receipt of copy of this order.

4. The writ petition accordingly stands disposed of.

**Sd/-
P. Sam Koshy
Judge**