

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 2927 of 2021**

1. Abdul Rahman S/o Late Mohd. Aziz Khan Aged About 61 Years R/o Quarter No. 182, Chhavni Police Line Bhilai, Police Station Chhavni Tahsil And District Durg Chhattisgarh. **---- Petitioner**

Versus

1. State Of Chhattisgarh Through Its Secretary, Department Of Home/police, Mahanadi Bhawan, Mantralaya, Police Station And Post Rakhi, Atal Nagar, New Raipur District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
2. Director General Of Police (D.G.P.) Police Headquarters (Phq). Police Station And Post Rakhi , Atal Nagar , New Raipur , District Raipur Chhattisgarh.
3. Inspector General Of Police (I.G.P.) Office Of Inspector General Of Police , 32 Bungalow, Bhiali , District Durg Chhattisgarh.
4. Superintendent Of Police (Sp) Office Of Superintendent Of Police, Durg, District Durg Chhattisgarh.
5. Shail Sharma Sub Inspector (Asi), Police Station Padmanabhpur, Durg, District Durg Chhattisgarh.
6. Baldau Chandrakar Assistant Sub Inspector (Asi), Police Station Anda, District Durg Chhattisgarh.
7. Parwashi Yadav Assistant Sub Inspector (Asi), Police Station Traffic, Durg, District Durg Chhattisgarh.

----Respondents

For Petitioner	:	Shri Abhishek Pandey, Advocate.
For State	:	Smt. Binu Sharma, P.L.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****28.06.2021**

1. The grievance of the petitioner in the present writ petition is the non consideration of the petitioner for promotion to the post of Sub Inspector from the post of Assistant Sub Inspector.

2. The contention of the petitioner was that, in the year 2009 the petitioner got implicated in two criminal cases bearing Crime Nos. 242/2009 and 243/2009 registered at the Police Station Balod. The petitioner was subject to prosecution under the provisions of 452, 354, 294, 506, 323 in one case and in another case for the offence u/s 452, 354, 294, 506, 34 of IPC. The petitioner finally stood acquitted in both these criminal cases vide judgment dated 08.07.2010 by the two separate judgments passed on the same day. Meanwhile, the promotion of the petitioner from the post of Head Constable to the Post of ASI had got deferred. The petitioner's promotional avenues also got deferred because of a departmental enquiry initiated by the respondents. The Departmental Enquiry also now got concluded whereby the petitioner stands exonerated of all the charges levelled against him. Subsequently, the case of the petitioner was considered for promotion and he was promoted w.e.f. 09.01.2012 on the post of ASI.
3. Now it is the contention of the petitioner that though the respondents have considered for promoting the private respondents No. 5 to 7 on the post of Sub Inspector, the petitioner has been left out inspite of his getting acquitted in criminal cases and getting exonerated in the departmental enquiry.
4. Today when the matter is taken up for hearing, the learned counsel for the petitioner submits that since the petitioner has crossed the age of 61 years and that only a few months of service is left for the petitioner for his retirement, admitting the petition and calling for the reply of the respondents would be a futile exercise on the part of the petitioner and prays that the writ petition at this juncture be disposed of directing the respondents to consider and decide the representation that the

petitioner has made in respect of his grievance.

5. The limited relief sought for by the petitioner is not opposed by the State Counsel, who however adds that the claim of the petitioner can only be subject to his falling within the zone of consideration, secondly his being high in the order of seniority and thirdly subject to the petitioner fulfilling the eligibility criteria.
6. Given the limited grievance that the petitioner has and the submission made by the Counsel appearing on either side, the writ petition at this juncture is disposed of directing the respondents No. 2 and 3 to take an appropriate decision on the representation of the petitioner, so far as his issue of seniority as also his claim for promotion to the next Higher Post of Sub Inspector, at the earliest preferably within a period of 60 days from the date of receipt of copy of this order.
7. The writ petition accordingly stands disposed of.

Sd/-

P. Sam Koshy
Judge