

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 4892 of 2021

1. Bhuneshwar Kumar Sahu S/o Shri P.R. Sahu, Aged About 35 Years Working As Constable At Police Station Ruddri, District - Dhamtari (Chhattisgarh)
2. Santosh Kumar Bhargav S/o Late N. R. Bhargav, Aged About 40 Years, Working As Constable, R/o Village And Post - Marouda, Thana - Kurud, District - Dhamtari (Chhattisgarh)
3. Deepak Singh Gautam S/o Late V. R. Gautam, Aged About 46 Years Working As Constable At Police Line, Dhamtari, District- Dhamtari (Chhattisgarh)
4. Digeshwar Prasad Sharma S/o Shri K. P. Sharma, Aged About 44 Years, Working As Constable, R/o Amatalab Road Dhamtari, Thana- Dhamtari, District- Dhamtari (Chhattisgarh)
5. Harish Kumar Sahu S/o Shri J. L. Sahu, Aged About 42 Years Working As Constable At District Special Branch, Dhamtari, District - Dhamtari (Chhattisgarh)
6. Smt. Kamla Sinha W/o Shri Dikesh Sinha, Aged About 44 Years Working As Constable At Police Station Arjuni, District- Dhamtari (Chhattisgarh)
7. Prashant Kumar Shukla S/o Shri Ashwani Shukla, Aged About 37 Years, Working As Constable At Police Station City Kotwali, Distt.- Dhamtari (Chhattisgarh)
8. Vipin Panjiya S/o Late J. R. Panjiya, Aged About 39 Years, Working As Constable, R/o Amatalab Road, Gauravpath, Dhamtari, Thana- Dhamtari, District- Dhamtari (Chhattisgarh)
9. Virendra Kumar Chandrakar S/o Shri J. R. Chandrakar, Aged About 46 Years, Working As Constable, R/o Village- Chhati, Tahsil And District - Dhamtari (Chhattisgarh)

---- Petitioners

Versus

1. State Of Chhattisgarh Through The Secretary, Home Department, Ministry, Mahanadi Bhawan, Atal Nagar, Nava Raipur, District - Raipur (Chhattisgarh)
2. Director General Of Police, Police Head Quarter, Atal Nagar, Nava Raipur, District - Raipur (Chhattisgarh)
3. Inspector General Of Police, Rang - Raipur, District- Raipur (Chhattisgarh)

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For Petitioners	:	Mr. Somkant Verma, Advocate.
For State	:	Mr. Jitendra Pali, Dy. A.G.

Hon'ble Shri Justice P. Sam Koshy
Order on Board

07/09/2021

1. At the outset, counsel for petitioners submits that against the recent order of the respondent-authorities initiating proceedings for conducting of a fresh Departmental Promotion Examination, the grievance of petitioners has arisen leading to the filing of the present writ petition.
2. According to the Counsel for Petitioners, the petitioners had participated in the Department Promotion Examination conducted in the year 2015. According to the counsel for petitioners, the respondents have been time and again issuing promotion orders right from the year 2015 onwards periodically appointing many persons from the said examination who were meritorious by promoting them to the post of Head Constable. The last promotion order was issued on 11.07.2020 and immediately thereafter now the respondents have issued order for going in for a fresh departmental promotion examination vide Annexure P/6 dated 07.08.2021.

3. The contention of petitioners is that in spite of there being vacancies available and the petitioners being found meritorious in the said examination conducted in the year 2015, there was no reason why the respondents should not have issued order of promotion in favour of the petitioners. Therefore, as of now the representation which the petitioners has preferred to the respondents be decided at the earliest.
4. Learned counsel for State, on the other hand, submits that in the present promotional process initiated vide Annexure P/6 dated 07.08.2021, the petitioners can still participate and if they are again successful, they can still be considered for promotion.
5. The State Counsel further submits that in any case, the previous examination for departmental promotion was conducted in the year 2015 and it is now more than six years, therefore, the respondents cannot be said to have taken an arbitrary decision for going for a fresh promotional examination, since it is being convened after more than six years.
6. Nonetheless, the State counsel submits that in the event if the petitioners have preferred a representation, the same shall be considered on its own merits in accordance with the Rules governing the field.
7. Given the entire facts and circumstances of the case, this Court is of the opinion that as of now the writ petition can be disposed of directing the respondents 2 & 3 to take a decision on the representations of petitioners at the earliest preferably within a period of 60 days from today.

8. Respondent authorities are further directed to ensure that the representations of the petitioners are decided ahead of the finalization of fresh departmental examination that is being conducted for promotion from the post of Constable to the post of Head Constable.
9. Accordingly, the writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

Khatai