

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No. 5198 of 2021

1. Vishnu Sahu S/o Shri Hiranman Sahu Aged About 46 Years R/o Quarter No. P/1, 7th Battalion, CAF Bhilai, Police Station Supela, Tahsil And District Durg, Chhattisgarh.
2. Rajendra Singh S/o Late Shri Bheekham Singh Aged About 46 Years R/o Quarter No. B/27, P.T.S. Colony, 5th Battalion, CAF, Jagdalpur, Police Station Parpa, District Bastar, Chhattisgarh.
3. Yogesh Dutt Pandey S/o Shri Bageshwari Pandey Aged About 49 Years R/o Dhooma Road, Dharamvati Nagar Near Durg Mandir, Bilaspur, Police Station Sirgitti, Tahsil And District Bilaspur, Chhattisgarh.
4. Dharmraj Patel S/o Shri Bhagwan Deen Patel Aged About 50 Years R/o R D A Colony, F-206, Wonder Land Park, Raipura, Raipur, Police Station D D Nagar, Tahsil And District Raipur, Chhattisgarh.

---Petitioner(s)

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.
2. Special Director General Chhattisgarh Armed Force (CAF), Police Headquarters (PHQ), Sector-19, Police Station And Post Rakhi, Atal Nagar, New Raipur, District Raipur, Chhattisgarh.
3. Inspector General of Police Chhattisgarh Armed Force (CAF), Police Headquarters (PHQ), Sector-19, Police Station And Post Rakhi, Atal Nagar, New Raipur, District Raipur, Chhattisgarh.
4. Deputy Inspector General of Police (DIGP) Chhattisgarh Armed Force (CAF), Police Headquarters (PHQ), Sector-19, Police Station And Post Rakhi, Atal Nagar, New Raipur, District Raipur, Chhattisgarh.
5. Vijay Kumar Pandey Head Constable, Bomb Disposal Squad, Police Line Bilaspur, District Bilaspur, Chhattisgarh.
6. Jaiveer Singh Yadav Head Constable 13th Battalion, CAF, A-Company, Bijapur, District Bijapur, Chhattisgarh.
7. Tejram Verma Head Constable, Office Of Commandant, 13th Battalion, CAF, Bango, District Korba, Chhattisgarh.

---Respondents

For Petitioners	:	Shri Abhishek Pandey and Ms. Deepika Sannat, Advocates.
For State	:	Shri Jitendra Pali, Dy. Advocate General.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

27.09.2021

1. The grievance of the petitioners in the present writ petition is the placement of the petitioners in the gradation list at the bottom, below the private respondents.

- 2.** The counsel for the petitioners submit that the petitioners were promoted from the post of Constable to the post of Head Constable vide order dated 18.09.2006 (Annexure P/1). In the promotion order, the name of petitioners were at the top whereas the private respondents were shown at the bottom. However, in the recent gradation list that was published on 31.03.2021, the name of the petitioners have been placed at the bottom and the name of the private respondents have been placed over and above the petitioners. This has led to non including of the names of the petitioners for PP Course required for promotion from the post of Head Constable to the post of Assistant Sub Inspector.
- 3.** The contention of the petitioners is that they have been promoted immediately after Annexure P/1 was issued on 18.09.2006 and they have been also receiving the benefits of the promotional post of Head Constable since then continuously and thereby their names ought to have been continued at the top of the gradation list over and above the private respondents in terms of the promotion order dated 18.09.2006.
- 4.** As of now the counsel for the petitioners submits that since the petitioners have approached the respondent authorities by way of a detailed representation/objection made on 05.04.2021 (Annexure P/3) to the respondent No.2, the same may be directed to be decided on its own merits after due scrutiny of the seniority of the petitioners as also the previous promotion order dated 18.09.2006 and also the fact that the petitioners have been receiving the promotional benefits from the date of promotion onwards.
- 5.** The State counsel submits that from the pleadings it appears that the petitioners were not extended the benefits of promotion immediately in September, 2006 on account of non creation of headquarter of 12th

Battalion and immediately on creation of the same in the year, 2007, the petitioners who were posted under 13th Battalion, they were extended the benefits of promotion order from 2007 onwards.

6. Be that as it may, considering the fact that these are all matters to be scrutinized and decided at the department level, the writ petition at this juncture stands disposed of directing the respondent No.2 to consider and decide the representation/objection of the petitioners deciding their seniority inter se between the petitioners and the private respondents in accordance with rules and regulations after due verification of the entitlement part is concerned 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

inder