

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 4841 of 2020**

1. Suresh Kumar Thakur S/o Late Shri D.R. Thakur Aged About 57 Years Working As Incharge Director, Fire And State Disaster Response Force (SDRF) Training Centre, Parsada, Bharni, Tahsil Takhatpur, District Bilaspur Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Additional Chief Secretary, Department Of Home, Mahanadi Bhawan, Nawa Raipur, Atal Nagar, District Raipur, Chhattisgarh
2. Special Secretary Department Of Home, Mahanadi Bhawan, Nawa Raipur, Atal Nagar, District Raipur Chhattisgarh
3. Director General Home Guards / Fire And State Disaster Response Force (SDRF), Sector - 19, Atal Nagar, Nawa Raipur District Raipur Chhattisgarh.

---- Respondents

For Petitioners : Shri Anand Dadariya, Advocate.

For State : Shri Sudeep Verma, Dy. G.A.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****04.01.2021**

1. The grievance raised by the petitioner in the present writ petition is the inaction on the part of the respondents in not convening the DPC for almost a decade now for promotion from the post of Divisional Commandant to the post of Additional Commandant General (Home Guards) /Director Fire and State Disaster Response Force (SDRF).
2. According to the petitioner he was directly appointed as a District Commandant way back in the year 1996 and in due course of time, he was promoted to the Post of Divisional Commandant in the year 2004. The next promotional post from the post of Divisional Commandant is to the post of Additional Commandant General (Home Guards) / Director Fire and State Disaster Response Force

(SDRF). For both these posts, the petitioner has become eligible since 2010 i.e. on completion of six years of service on the feeder post as Divisional Commandant.

3. According to the petitioner, for last 10 years, there has been no DPC convened by the Department to fill up the post and aforementioned two promotional posts are lying vacant. According to the petitioner, but for the action on the part of the respondents, the petitioner has been deprived of his rightful claim for promotion.
4. According to the counsel for the petitioner, the Rules governing the field provides for convening of the DPC every year which in the instant case has not been followed by the respondents depriving the petitioner of his rightful claim for being considered for promotion.
5. Counsel for the petitioner referred to two orders passed by this Court in WP(S) No. 4350 of 2017 decided on 31.08.2017 and in WP(S) No. 170 of 2015 decided on 24.10.2018. By the two orders, this Court had specifically directed to the respondents to convene DPC periodically.
6. Given the aforesaid factual matrix of the case, this Court is of the opinion that no fruitful purpose would be served in keeping the writ petition pending rather the present writ petition can be disposed of at this juncture directing the respondents to take a decision in-respect-of convening of a DPC for promotion from the post of Divisional Commandant to the post of Additional Commandant General(Home Guards)/ Director Fire and State Disaster Response Force (SDRF). Let an appropriate decision be taken by the respondents in accordance with the Rules governing the field after due verification of the fact of availability of vacancies, at the earliest preferably within a

period of 90 days from the date of receipt of copy of this order thereafter if required the DPC be also convened at the earliest.

7. With the aforesaid observation, writ petition stands disposed of.

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

Jyotijha