

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 5351 of 2021**

Gokul Kumar Sonkar S/o Naresh Sonkar, Aged About 50 Years, Head Constable, Batch No. 16, Posted At Police Station Kunda, District Kabirdham, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Department Of Home (Police), Mahanadi Bhawan, Mantralaya, Atal Nagar, New Raipur District Raipur, Chhattisgarh
2. Director General Of Police, Police Head Quarter, Sector 19, Nava Raipur, District Raipur, Chhattisgarh.
3. Inspector General Of Police, Durg Range, District Durg, Chhattisgarh.
4. Superintendent Of Police, Kabirdham, District Kabirdham Chhattisgarh.

---- Respondents

For Petitioner	:	Mr. F. S. Khare, Advocate
For State	:	Ms. Sunita Jain, Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****24.09.2021**

1. The default pointed out by the Registry as of now stands ignored.
2. The present writ petition has been filed challenging and questioning the action on the part of the respondents in declaring the petitioner ineligible for participating in the promotion process for promotion from the post of Head Constable to the post of ASI.
3. The petitioner has been declared ineligible on the ground that the petitioner in recent past was inflicted with an order of punishment in

the year 2018 whereby there was a punishment of stoppage of one increment with cumulative effect. The departmental appeal preferred by the petitioner has also been rejected on 17.12.2019. Thereafter the petitioner has not questioned the punishment order and the order passed by the appellate authority thus has attained finality.

4. That under the rules governing the field, a person who has been inflicted with a major punishment in preceding 5 years from the date of initiation of promotion process, would not be eligible for participating in the promotion process. The petitioner falls within that category and therefore he was declared ineligible.
5. Given the said facts and the rules and regulations governing the filed, particularly since the punishment order was passed about three years back, this Court does not find any strong case made out by the petitioner for issuance of any writ or direction to the respondents for permitting the petitioner to participate in the promotion process. The writ petition accordingly stands rejected.

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