

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 5565 of 2020**

Sanjay Kumar Suryawanshi S/o Dashi Ram Suryawanshi Aged About 38 Years R/o Presently Posted As Subedar Presently Posted At Police Line Bemetara, District - Bemetara (C.G.) R/o - Village Kosmanda, Tahsil Champa District Janjgir - Champa Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh, Through Its Secretary Department Of Home, Mahanadi Bhawan, Mantralaya, Naya Raipur, District - Raipur Chhattisgarh
2. Director General Of Police, Police Head Quarters, Civil Lines Raipur, District - Raipur Chhattisgarh
3. Inspector General Of Police, District - Durg Chhattisgarh
4. Superintendent Of Police District - Bemetara Chhattisgarh
5. Superintendent Of Police District - Dantewada Chhattisgarh
6. Vaibhav Mishra, Reserved Inapector, Presently Posted At Dantewada Bastar, District - Jagdalpur Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Ishan Verma, Advocate
For State	:	Mr. Amit Buxy, PL

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

12/01/2021

1. Though the writ petition has been filed questioning the transfer order dated 09.12.2020 but during the course of the proceeding it reflects that promotion order earlier granted to the petitioner vide order dated 06.08.2018 has been canceled vide order dated 29.10.2018. As such the private respondent becomes senior to the petitioner in the light of the cancellation of the promotion of the petitioner.

2. At this juncture the counsel for the petitioner submits that only ground of cancellation of his promotion was the operation of the minor punishment at that relevant point of time which has now got over and thereafter the petitioner is due to be considered for promotion.
3. Given the fact that order of promotion of the petitioner was canceled vide order dated 29.10.2018 and thereafter the petitioner was discharging the duties in the in-charge capacity, the posting of the private respondent in place of the petitioner as regular Reserve Inspector cannot be said to be in any manner arbitrary or malafide.
4. This Court does not find any strong case made out for interference with the impugned order of transfer dated 09.12.2020. The writ petition therefore to that extent does not warrant any interference.
5. However, since the operation of the petitioner's minor punishment has already got over the petitioner now has become eligible for promotion. It is expected that the respondents as and when they intend to conduct the DPC, they shall take into consideration the claim of the petitioner for promotion to the next promotional post of Reserve Inspector.
6. With the aforesaid observations, the writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

Rohit