GAHC030002792026

THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/47/2026

Rodney Lalrinawma Ralte
S/o J. Kawlnithanga
R/o H.No. D-24A, Tuikual North,
Aizawl, Mizoram

VERSUS

The Union of India r/b the Secretary to the Govt of India, Ministry of Home Affairs and 4 Ors.
North Block,
New Delhi - 110001 2:The Under Secretary (UTS-I)

3:The State of Mizoram

4:The Secretary to the Govt. of Mizoram

5:The Secretary to the Govt. of Mizora

Advocate for the Petitioner : Mr. A.R. Malhotra

Advocate for the Respondent : CGC for R.1-2

BEFORE
HON'BLE MR. JUSTICE NELSON SAILO

O R D E R

02.11.2026

Heard Mr. A.R. Malhotra, learned counsel for the petitioner, Ms. Zairemsangpuii, learned CGC, appearing for respondent Nos. 1 & 2 and

Ms. Mary L. Khiangte, learned Government Advocate appearing for respondent Nos. 3, 4 and 5. The respondent Nos. 1 and 2 have filed their affidavit-in-opposition, but respondent Nos. 3, 4 and 5 have not. Learned Government Advocate prays for some more time for filing the counter affidavit. However, having regard to the nature of the grievance projected by the petitioner, this Court is of the considered view that the writ petition can be disposed of at this stage.

2. The case of the petitioner in brief is that after serving for about 15(fifteen) years as Mizoram Civil Service Officer, he was inducted into the Indian Administrative Service in the AGMUT Cadre along with two of his batch mates vide Notification dated 20.04.2011. However, on account of certain allegation while rendering his service as the Deputy Commissioner of Mamit district during 01.07.2011 to 02.07.2012, the Anti Corruption Bureau lodged a criminal case against the petitioner and the same was registered as ACB PS Case No.02/2013 dated 31.05.2013. The petitioner was then charge-sheeted under Section 409/468/477A of the IPC read with Section 13(1)(c)(d) and 13(2) of the Prevention of Corruption Act, 1988 (in short PC Act). Upon conclusion of the trial, the trial proceedings conducted against the petitioner vide SR (PCA) No.1/2018 ended in his conviction vide judgment and order dated 27.05.2019. The petitioner was convicted under Section 13(1)(d) of PC Act and sentenced to rigorous imprisonment for 03(three) years with fine of Rs.5,00,000/- (rupees five lacs) and with a default clause under Section 13(2) of the PC Act. Aggrieved, the petitioner preferred Criminal Appeal No.30/2019 before this Court and this Court vide judgment and order dated 13.12.2023, allowed the appeal by granting the petitioner benefit of doubt and accordingly set

aside the conviction and sentence imposed upon him.

3. The petitioner contends that since his criminal appeal has been allowed, he should be given the benefit of promotion to the Junior Administrative Grade and then to the Selection Grade and thereafter, to the Super Time Scale Grade as was given to one of his batch mate. The petitioner therefore submitted a representation before the Under Secretary to the Government of India, Ministry of Home Affairs (UTS-1 Desk), North Block, New Delhi-01 on 22.04.2024. In response to the same, the Under Secretary to the Government of India, Ministry of Home Affairs vide letter dated 06.08.2024 requested the Chief Secretary to the Government of Mizoram to examine the representation of the petitioner and to furnish comments. Following the said communication, the Department of Personal and Administrative Reforms (Civil Service Wing) sought for information from the Vigilance Department as to whether any such Vigilance case was pending against the petitioner. In response, the Vigilance Department gave a clearance stating that there is no Vigilance case pending against the petitioner. The same information was forwarded to the Under Secretary (UTS-1), Ministry of Home Affairs by the Under Secretary to the Government of Mizoram, Department of Personal and Administrative Reforms (Civil Service Wing) on 14.10.2024 and thereafter, on 17.11.2025 as well. However, as no steps were taken to mitigate the grievance of the petitioner, the petitioner filed the instant writ petition on 30.04.2026. During the pendency of the writ petition, the respondent Nos. 1 and 2 have granted the petitioner promotion to the Junior Administrative Grade (Level-12) in the Pay Matrix of the Indian Administrative Service w.e.f. 01.01.2010. the said promotion has been issued vide order dated

08.06.2026 which is annexed as Annexure-R1 to the affidavit-in-opposition filed by the respondent Nos. 1 and 2.

4. Mr. A.R Malhotra, learned counsel for the petitioner, however, submits that the prayer of the petitioner is that he should be given further promotion to the selection Grade and then to the Super Time Scale Grade as was given or granted to his batch mate. He also submits that the respondent Nos. 1 and 2 in their affidavit-in-opposition have also admitted that the respondent authorities concerned has not passed any order rejecting the retrospective promotion claim made by the petitioner as of now and that the matter is yet to be finally examined and adjudicated by the competent authority. He therefore, submits that since the grievance projected by the petitioner in his representation dated 22.04.2024 has not been fully considered and a decision taken, the respondent authorities concerned may be directed to do the needful and consider his representation within a time frame.

5. Having regard to the above, it is seen that the respondent authorities concerned are yet to take a decision on the claim for retrospective promotion to the Selection Grade and Super Time Scale Grade as can be seen from paragraph No.7D and paragraph No.8 of the affidavit-in-opposition filed by the respondent Nos. 1 and 2. Such being the position, this Court is of the considered view that the respondent authorities concerned should consider and take a decision on the claim as expeditiously as possible.

6. In the result, the writ petition is disposed of by directing the respondent authorities concerned to consider the claim of the petitioner for further promotion to the Selection Grade and Super Time Scale Grade

of the Indian Administrative Service as claimed by him vide his representation dated 22.04.2024 as early as possible.

7. The respondent authorities concerned shall undertake such consideration and dispose of the representation of the petitioner dated 22.04.2024 by way of a reasoned and speaking order within an outer limit of 03(three) months from the date of receipt of a certified copy of this order. The order to be passed shall invariably be communicated to the petitioner.

8. With the above observations and direction, the writ petition stands disposed of.

JUDGE

Comparing Assistant