

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 26951 of 2024

Pintu Deb Barman
-versus
Union of India & Ors.

Mr. Argha Banerjee
Mr. A.K. Upadhyay
Mr. Diptomoy Talukder
... For the petitioner

Mr. Nilanjan Bhattacharya
Mr. Tapan Bhanja
... For the Union of India

1. Report by the respondents and the exception thereto by the petitioner filed in Court today be retained with the records.

2. The petitioner is presently working as an Assistant Sub-Inspector in Central Reserve Police Force. He seeks promotion to the post of Lance Naik. He refers to the incentives provided to sportsmen for their excellence in games and sports published by the authority in June, 1994.

3. The said incentive scheme mentions that a member of the Force would be promoted to the post of Lance Naik if he participates in the National Championships and secures a position from fourth to sixth. The petitioner secured sixth position in the All - India Police Games, 1997.

4. The prayer of the petitioner for promotion was turned down. He challenged the same by filing a writ petition, being WPA 22580 of 2011. Vide judgment dated 6th December, 2023, the Court was pleased to dismiss the same clearly holding that the petitioner was ineligible to be considered for promotion to the post of Head Constable.

5. Learned advocate for the petitioner submits that the petitioner inadvertently sought for promotion in the post of Head Constable. He ought to have been promoted to the post of Lance Naik.

6. On a query from the Court as to whether the petitioner ever applied for promotion to the post of Lance Naik, there is no positive answer to the same. From the documents annexed to the writ petition, there is nothing to suggest that the petitioner applied for consideration of his case for promotion in the post of Lance Naik.

7. Learned advocate representing the respondents relies on the affidavit filed by the Commandant wherein it has been mentioned that the Incentive Scheme of the year 1994 is not in force at present. Currently Incentive Scheme published by the authority in July 1998 is prevailing. The same is effective from 1st July, 1997.

8. The Ministry of Home Affairs, vide order dated 10th October, 1997, took steps to rationalize the

rank structure and pay scale of non-gazetted cadre of Central Police Organization. As a result of the said exercise, the rank of Lance Naik and Naik stood merged with the rank of Constable and Head Constable, respectively. The rank structure in the Central Police Organization consists of (i) Constable/Security Assistant, (ii) Head Constable, and (iii) Assistant Sub-Inspector.

9. It has been submitted that for promotion to the post of Head Constable, a member of the Force has to win one bronze medal in the National Games/Championships or the team he represents wins two bronze medals in All India Police Games.

10. Upon hearing the parties and on perusal of the documents before the Court, it appears that the prayer of the petitioner for grant of promotion to the post of Lance Naik cannot be passed as the said post stood abolished on and from 10th October, 1997. Prior thereto, the petitioner never applied for promotion in the post of Lance Naik. On merging of the post of Lance Naik with that of Constable, there is no question for consideration of the petitioner's prayer for being promoted in the post of Lance Naik as the said post is non-existent at present.

11. The petitioner does not appear to have qualified for promotion in the post of Head Constable and as the petitioner never prayed for promotion in the

post of Lance Naik, accordingly, there is no question of directing the authority to consider his prayer for promotion in the post of Lance Naik.

12. The writ petition fails and is hereby dismissed.

13. All parties shall act on the basis of a server copy of this order duly downloaded from the official website of this Court.

14. Urgent photostat certified copy of this order, if applied for, be given to the parties, upon compliance of necessary formalities.

(Amrita Sinha, J.)