



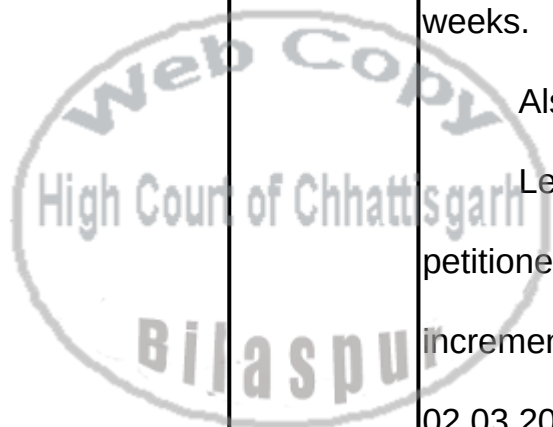
HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

WPS No. 2854 of 2023

Shri Mukesh Patnayak **Versus** State Of Chhattisgarh & Ors.

02.05.2023	<p>Mr. Badruddin Khan, Counsel for the Petitioner.</p> <p>Mr. Roshan Dubey, P. L. for respondents/State.</p> <p>Heard on admission.</p> <p>The writ petition is admitted for hearing.</p> <p>Let reply/return be filed by respondent within a period of 6 weeks.</p> <p>Also heard on I.A.No.01/2023, application for interim relief.</p> <p>Learned counsel for the petitioner submits that earlier the petitioner was imposed with a minor penalty of stoppage of one increment without cumulative effect vide Annexure P-3 order dated 02.03.2021 by Inspector General of Police, Raipur (CG), against such imposition of penalty, a departmental appeal was filed by him which also stood dismissed vide Annexure P-4 order dated 21.02.2023 by Director General of Police, Chhattisgarh.</p> <p>Learned counsel for the petitioner further submits that the process of promotion on the post of Assistant Sub-Inspector from the post of Head Constable is being carried out by the respondent authorities but the petitioner is not being permitted to take part in such process of promotion on the ground that the petitioner has been imposed with a penalty of stoppage of one increment for one year without cumulative effect which the Superintendent of Police,</p>



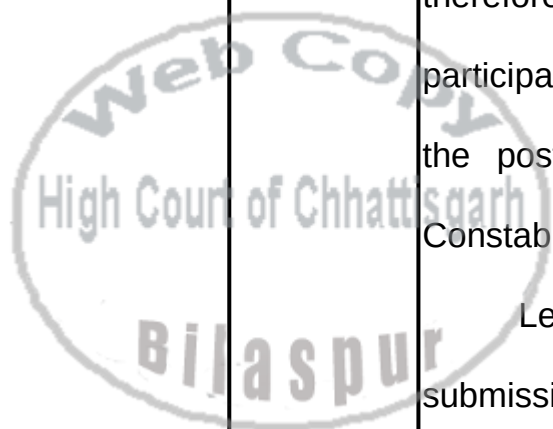


District Mahasamund (CG) is treating to be a major penalty. He submits that an identical order with similar facts and circumstances of the case, has been passed by this Court in WPS No.5242 of 2021 vide order dated 20.09.2021, he submits that the stoppage of increment for one year without cumulative effect is not a major punishment and the Superintendent of Police committed an error in considering it to be a major penalty. He further submits that if the petitioner is not permitted to participate in the process of promotion, it would cause irreparable loss to the petitioner, therefore, he prays that the petitioner may be permitted to participate in the departmental promotion process for promotion on the post of Assistant Sub-Inspector from the post of Head Constable.

Learned counsel for the respondents/State opposes the submission and submits that since admittedly the petitioner was imposed with penalty and therefore, the State authorities have not committed any error in not allowing the petitioner to take part in departmental promotion process.

Having heard learned counsel for the parties and considered their rival submissions made at the bar, this Court is of the opinion that the petitioner may be permitted to take part in the departmental promotion process for promotion on the post of Assistant Sub-Inspector from the post of Head Constable.

In view of above, State authorities are directed to permit the petitioner to participate in the departmental promotion process for





promotion on the post of Assistant Sub-Inspector from the post of Head Constable, if the process is still continuing and not concluded as yet.

However, it is made clear that even if the petitioner is found fit for promotion then his promotion order shall not be issued without leave of this Court, meaning thereby the petitioner is permitted to participate in the entire promotion process except for issuance of order of promotion which shall be subject to leave of this Court.

List this case after reply of respondents is received.

Sd/-
(Sachin Singh Rajput)
Judge

Parul

