

(2022) 03 SHI CK 0012
In the High Court Of Himachal Pradesh
Case No : Civil Writ Petition No. 906 Of 2022

Dhani Ram

APPELLANT

Vs

State Of Himachal Pradesh And Others

RESPONDENT

Date of Decision : 05-03-2022

Acts Referred:

Constitution Of India, 1950 — Article 226

Citation : (2022) 03 SHI CK 0012

Hon'ble Judges : Sabina, J; Satyen Vaidya, J

Bench : Division Bench

Advocate : Manohar Lal Sharma, Ranjan Sharma

Final Decision : Allowed

Judgement

Sabina, J

1. Petitioner has filed this petition under Article 226 of the Constitution of India, seeking following reliefs:-

"i) That the petitioner may kindly be held entitled to undergo Upper School Course like other ASI, mentioned in office order dated 18.2.2022, issued by respondent No.2.

ii) That the petitioner may kindly be held entitled to promote as Sub Inspector from the due date, in accordance with law."

2. Learned counsel for the petitioner has submitted that the petitioner was recruited as Constable on 1.11.1998 and was promoted as Head Constable in June, 1999. Thereafter, the petitioner was promoted as Assistant Sub Inspector on 29.3.2016.

3. Vide order dated 18.2.2022, 182 Assistant Sub Inspectors have been directed to undergo Upper School Course, whereas, the petitioner has been ignored on the ground that one FIR is pending against him. However, with regard to the same allegations, which form part of the FIR, the departmental proceedings were

initiated against the petitioner. In the departmental proceedings, the petitioner has been exonerated of the allegations leveled against him vide Annexure P-5 dated 11.6.2020.

4. Learned State counsel on the other hand has opposed the petition and has submitted that on account of pendency of the FIR lodged against the petitioner, he could not be permitted to undergo the course in question.

5. Admittedly, in the departmental proceedings, the petitioner has been exonerated of the allegations leveled against him. FIR has been registered against the petitioner on the same allegations and so far challan has not been presented in the Court.

6. Keeping in view the facts and circumstances of the case, we are of the opinion that the instant petition deserves to be allowed, as the petitioner has been exonerated of the charges leveled against him in the departmental proceedings. Accordingly, respondents are directed to allow the petitioner to undergo Upper School Course along with other 182 Assistant Sub Inspectors, in accordance with office order dated 18.2.2022 (Annexure P-2).

7. Pending applications, if any, also stand disposed of.