



2026:CGHC:19852

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****WPS No. 444 of 2022**

1 - Akhilesh Kumar S/o Let. Bajjnath Saw Aged About 31 Years Presently Posted As Sub Inspector (Ministerial) In The Office Of The District Commandant, Home Guard Balrampur R/o Ward No.15 Dipopara Balrampur, Post And Police Station Balrampur, Tahsil And District- Balrampur, Chhattisgarh. Pin 497119 Mo. No. 7509276304, District : Balrampur, Chhattisgarh

--- Petitioner(s)**versus**

1 - State Of Chhattisgarh Through The Secretary, Home Affairs, Mahanadi Bhawan, Mantralaya, Atal Nagar Nawa Raipur, District Raipur, Chhattisgarh. Pin- 495001., District : Raipur, Chhattisgarh

2 - The Director General Of Home Guards And Civil Defense Head Qtr. Office Of The Director Genral Of Home Guards, Sector 19, Atal Nagar Nawa Raipur, Tahsil And District- Raipur, Chhattisgarh. Pin- 495001., District : Raipur, Chhattisgarh

3 - District Commandant Home Guards Balrampur In The Office Of District Commandant Home Guards Balrampur, Tahsil And District- Balrampur, Chhattisgarh. Pin- 497119, District : Balrampur, Chhattisgarh

--- Respondent(s)**WPS No. 1637 of 2022**

1 - Suresh Kumar Gupta S/o Late Shri Rambharosh Gupta, Aged About 37 Years Presently Posted As Assistant Sub-Inspector (Ministerial),in The Office Of The Divisional Commandant Home Guards Ambikapur, R/o Office Of The Divisional

Commandant Home Guards Ambikapur, Tahsil Ambikapur District Surguja
C.G.Mob.No. 9340418316

2 - Ku. Minashi Madhe Sandra W/o Shri Jogesh Sandra, Aged About 27 Years
Presently Posted As Assistant Sub-Inspector (Ministerial), In The Office Of The
District Commandant Home Guards Bijapur, R/o New Bus Stand Chattanpara,
Bijapur, Tahsil And District Bijapur C.G. Mob No. 9399786579

3 - Dileep Kumar Kuldeep S/o Shri Shankarlal Kuldeep, Aged About 41 Years
Presently Posted As Assistant Sub-Inspector (Ministerial), In The Office Of The
District Commandant Home Guards Jagdalpur, R/o Ward No. 31 Anukuldev,
Hatkachoura, Bangalipara Jagdalpur, Tahsil And District Jagdalpur C.G. Mob. No.
8770360702

---Petitioner(s)

Versus

1 - State Of Chhattisgarh Through The Secretary, Home Affairs, Mahanadi Bhawan,
Mantralaya Atal Nagar Nawa Raipur, District Raipur C.G. Pin 492001

2 - The Director General Of Home Guards And Civil Defense, Head Qtr. Office Of
The Director General Of Home Guards, Sector 19, Atal Nagar Nawa Raipur Tahsil
And District Raipur, C.G.Pin 492001

3 - District Commandant Home Guards Jagdalpur, In The Office Of District
Commandant Home Guards Jagdalpur, Tahsil And District Jagdalpur, (C.G.) Pin
497119

--- Respondent(s)

WPS No. 8158 of 2022

1 - Sharda Prasad Tripathi S/o Late Shri S. M. Tripathi, Aged About 35 Years
Presently Posted As Sub - Inspector (Ministerial), In The Office Of The Director
General Home Guards Fire Services And S.D.R.F., Sector 19 Atal Nagar, Nawa
Raipur, R/o 32/949, Shyamnagar, Telibandha, Raipur, Tahsil And District Raipur
Chhattisgarh Mob. No. 8435000236

2 - Sanjay Kumar Gupta, S/o Late, Shri Suresh Chandra Gupta, Aged About 43
Years Presently Posted As Sub Inspector (Ministerial), In The Office Of The District

Commandant, Home Guard Ambikapur, R/o Behind Of The Manjusha Typing Institute Ambikapur Ward No. 26 Post And P.S. Ambikapur Tahsil And District Ambikapur, C.G. Pin 497001 Mob. No. 9826888229.

3 - Rakesh Kumar Pandey S/o Shri Arun Kumar Pandey Aged About 32 Years Presently Posted As Sub -Inspector (Ministerial), In The Office Of The District Commandant, Home Guard Surjpur, R/o Parri Surjpur Post And P.S. Surjpur, Tahsil And District Surajpur C.G. Pin 497229 Mob. No. 9926937676

4 - Chandrkanti Pradhan D/o. Late Shri Mohan Pratap Pradhan Aged About 45 Years Presently Posted As Sub Inspector (Ministerial), In The Office Of The District Commandant Home Guard Jagdalpur, R/o Lal Bahadur Shastri Ward No. 08, Lalbag Amaguda, Jagdalpur Tahsil And District Jagdalpur C.G. Mob. No. 8839058894.

5 - Padmawati Bhoyar W/o Late Shri C.R. Bhoyar Aged About 45 Years Presently Posted As Sub Inspector (Ministerial) In The Office Of The Central Training Institute Home Guards And Civil Defense, Mana Camp Raipur R/o B/12 Penshanwada, Near Of The Kundan Palace Road Raipur, Tahsil And District Raipur C.G. Mob. No. 6265490920

---**Petitioner(s)**

Versus

1 - State Of Chhattisgarh Through The Secretary, Home Affairs, Police Department, Mahanadi Bhawan, Mantralaya, Atal Nagar, Nawa Raipour District Raipur Chhattisgarh.

2 - The Director General Of Police, Home Guards And Public Security, Head Qtr. Home Guards, Mana Camp, Tahsil And District Raipur, Cg Pin 495001.

3 - The Additional Directro General Of Police, Home Guards And Public Security, Head Qtr. Home Guards, Mana Camp, Tahsil And District Raipur, Cg Pin 495001.

4 - District Commandant, Home Guards Ambikapur R/o Behind Of The Manjusha Typing Institute Ambikapur Ward No. 26 Post And P.S. Ambikapur Tahsil And District Ambikapur, C.G. Pin 497001

5 - District Commandant, Home Guards Surjpur, R/o Parri Surjpur Post And P.S. Surjpur , Tahsil And District Surjpur C.G. Pin 497229

6 - District Commandant, Home Guard Jagdalpur, R/o Lal Bahadur Shastri Ward No. 08, Lalbag Amaguda Jagdalpur Tahsil And District Jagdalpur C.G.

7 - The Commandant (C.T.I. Home Gaurds) Central Training Institute Home Guards And Civil Defense, Mana Camp Raipur R/o B/12 Penshanwada, Near Of The Kundan Palace Road Raipur Tahsil And District Raipur Chhattisgarh. Pin 492001.

--- Respondent(s)

WPS No. 686 of 2022

1 - Ravirudra Sharma S/o Late Shri Jugeshwar Prasad Sharma Aged About 36 Years Presently Posted As Sub Inspector (Ministerial) , In The Office Of The District Commandant, Home Guard Bilaspur , R/o District Commandant, Home Guard Bilaspur Chhattisgarh, Pin 495001 Mobile No. 9926135855.

--- Petitioner(s)

versus

1 - State Of Chhattisgarh Through The Secretary, Home Affairs , Police Department , Mahanadi Bhawan Mantralaya , Atal Nagar Nawa Raipur , District Raipur , Chhattisgarh, Pin 495001.

2 - The Director General Of Home Guards And Civil Defense Head Qtr. Office Of The Director General Of Home Guards Home Guards , Sector 19, Atal Nagar Nawa Raipur , District Raipur , Chhattisgarh Pin 495001.

3 - District Commandant Home Guards Bilaspur In The Office Of District Commandant Home Guards Bilaspur , Tahsil And District Bilaspur Chhattisgarh.

--- Respondent(s)

For Petitioners	:	Shri Vijay Deshmukh, Advocate.
For Respondents/ State	:	Shri Vinay Pandey, Dy.A.G.

Hon'ble Shri Justice Rakesh Mohan Pandey

Judgment On Board

29.4.2026

- 1) The petitioners have challenged cancellation of promotion granted to them from the post of Assistant Grade-IV to Assistant Grade-III (ASI(M)) and Assistant Grade-III to Assistant Grade-II (ASI(M) to SI(M)).
- 2) Learned counsel for the petitioners would submit that the petitioners were promoted from the post of Assistant Grade-IV to Assistant Grade-III (ASI(M)) and Assistant Grade-III to Assistant Grade-II (ASI(M) to SI(M)) as per the chart given below:

WPS Nos.	Petitioner's Class	Appointment in Cadre/ Group
WPS No.444 of 2022	Akhilesh Kumar Gupta (ASI(M) to SI(M))	22.1.2014
WPS No.1637 of 2022	Suresh Kumar Gupta (Class-IV to Class-III ASI(M))	1.10.2013
	Ku. Minakshi Madhe (Class-IV to ASI(M))	3.6.2013
	Dileep Kumar Kuldeep (Class-IV to ASI(M))	20.12.2013
WPS No.8158 of 2022	Sharda Prasad Tripathi ASI(M) to SI(M) Class III to II	6.9.2016
	Sanjay Kumar Gupta ASI(M) to SI(M) Class III to II	1.10.2013
	Rakesh Kumar Pandey ASI(M) to SI(M) Class III to II	1.10.2013
	Chandrakanti Pradhan ASI(M) to SI(M) Class III to II	1.8.2008
	Padmawati Bhoyar ASI(M) to SI(M) Class III to II	12.9.2016
WPS No.686 of 2022	Ravi Rudra Sharma ASI(M) to SI(M)	30.9.2013

- 3) Learned counsel for the petitioners would submit that after completion of qualifying service, the petitioners were promoted to the post of Assistant Grade-III to Assistant Grade-II and from

Class-IV to Class-III. A Departmental Promotion Committee (DPC) was convened on 4.10.2021 and the order of promotion was issued on 3.12.2021, wherein it is categorically stated that the petitioners have been promoted to the post of Sub-Inspector (M) from the post of Assistant Sub-Inspector (M). He would contend that the respondent authorities, vide impugned order dated 24.12.2021, cancelled the order of promotion on the ground that, due to a mistake, the classification of the post ASI(M) and SI(M) was used in the order of promotion issued in favour of the petitioners. He would contend that it was not a mistake rather the petitioners were initially appointed to the post of ASI(M) and were subsequently considered for promotion to the post of SI(M). He would submit that the decision was taken by respondent No.3 without affording any opportunity of hearing. He would pray to allow this petition.

- 4)** On the other hand, learned counsel appearing for the State would oppose the submissions made by counsel for the petitioners. He would submit that the appointment orders issued in favour of the petitioners would reveal that they were appointed against the posts of Assistant Grade-III and Class-IV. He would submit that there is no promotional channel for promotion from ASI(M) to SI(M). He would submit that Assistant Grade-IV and Assistant Grade-III employees cannot be promoted to the post of Sub-Inspector(M) and that the mistake committed by the Departmental Promotion Committee was rectified by respondent No.3 vide

order dated 24.12.2021. He would submit that a DPC was convened on 5.1.2022 and due to incorrect classification of posts, order of promotion was issued in favour of the petitioners on 3.2.2022. He would contend that when the mistake was detected by the department, a decision was taken by respondent No.3 to cancel the said promotion order. He would submit that the petitions are misconceived and deserve to be dismissed.

- 5) I have heard learned counsel for the parties and perused the documents placed on record.
- 6) Admittedly, the petitioners were appointed to the posts of Assistant Grade-IV and Assistant Grade-III and in some of the appointment orders, the designation Assistant Sub-Inspector(M) is also mentioned. A DPC was convened wherein the names of the petitioners were considered for promotion to Assistant Grade-IV to Assistant Grade-III (ASI(M)) and from Assistant Grade-III to Assistant Grade-II (ASI(M) to SI(M)). Pursuant to the recommendations made by the DPC, promotion orders were issued in favour of the petitioners whereby they were promoted from Assistant Grade-IV to Assistant Grade-III (ASI(M)) and Assistant Grade-III to Assistant Grade-II (ASI(M) to SI(M)) vide order dated 3.12.2021. The stand of the State is that there was some mistake by the Departmental Promotion Committee, as the petitioners were appointed against the sanctioned and vacant posts of Assistant Grade-III and Grade-IV but due to mistake they

were considered for promotion. It is also not in dispute that before cancellation of the promotion order, no opportunity of hearing was afforded to the petitioners. The Hon'ble Supreme Court in the matter of **Union of India and Another vs. Narendra Singh**, reported in **(2008) 2 SCC 750** held that mistake was of the Department and the government servant was promoted though he was neither eligible nor qualified. It is further held that mistakes are mistakes and can always be corrected by following due process of law. The relevant paragraph 32 is reproduced herein below:

“32. It is true that the mistake was of the Department and the respondent was promoted though he was not eligible and qualified. But, we cannot countenance the submission of the respondent that the mistake cannot be corrected. Mistakes are mistakes and they can always be corrected by following due process of law. In *Indian Council of Agricultural Research & Anr. v. T.K. Suryanarayan & Ors.*, (1997) 6 SCC 766, it was held that if erroneous promotion is given by wrongly interpreting the rules, the employer cannot be prevented from applying the rules rightly and in correcting the mistake. It may cause hardship to the employees but a court of law cannot ignore Statutory Rules.”

7) In the present case, learned counsel for the petitioners has argued that there was no mistake rather the petitioners were rightly promoted to the post of Sub-Inspector(M), whereas learned counsel for the State has taken stand that the petitioners were promoted due to a mistake. However, as no opportunity of

hearing was provided to the petitioners before passing the order of cancellation of promotions, in my opinion, the orders of cancellation of promotion passed by respondent No.3 are not sustainable in the eyes of law and are accordingly quashed.

- 8) The respondents would be at liberty to provide sufficient opportunity to the petitioners before taking any decision. The exercise shall be completed by the respondent authorities within a period of 90 days from the date of receipt of a copy of this order. The interim order granted in favour of the petitioners shall continue for a period of 90 days.
- 9) With the aforesaid observation(s), these petitions are **disposed of**.

Sd/-
(Rakesh Mohan Pandey)
JUDGE

Nimmi