



2026:CGHC:3663



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 11775 of 2025**

Rekha Nair D/o Remakantan Nair Aged About 48 Years Presently Working As Subedar (M), Special Branch, Old Police Headquarter Building, Raipur, C.G.

... Petitioner(s)**versus**

1 - State Of Chhattisgarh Through - Secretary, Department Of Home, Mahanadi Bhawan, Mantralaya, Naya Raipur, C.G.

2 - Director General Of Police Anti- Corruption Wing, Anti-Corruption Bureau / Economic Offences Wing, Gaurav Path, G.E. Road, Raipur, C.G.

3 - Additional Director General Of Police Special Branch, Old Police Headquarter Building, Raipur, C.G.

... Respondent(s)

For Petitioner : Mr. Rajeev Shrivastava, Senior Advocate with
Mr. Siddhant Das and Ms. Anu Mishra, Advocates

For State : Mr. Aditya Tiwari, Panel Lawyer

S.B.: Hon'ble Shri Parth Prateem Sahu, Judge**Order on Board****21/01/2026**

1. Petitioner has filed this writ petition seeking following relief:

“10.1 That the Hon'ble Court may kindly be pleased to issue writ/writs order/orders, direction/directions to the



respondents to the decide the representation of the petitioner in light of the judgment of the Hon'ble Supreme Court *Union of India vs Doly Loyi* (Civil Appeal No. 8387/2013) decided on 24.09 2024.

10.2 That the Hon'ble Court may kindly be pleased to issue writ/writs, order/orders, direction/directions, directing the respondents to open the sealed cover envelope containing the decision of the Departmental Promotional Committee, 2020 regarding the promotion of the petitioner from the post of Subedar (M) to Inspector (M).

10.3 That the Hon'ble Court may kindly be pleased to direct Respondents to comply with the recommendations of the DPC in the sealed cover envelope at the earliest.

10.4 That, this Hon'ble Court may kindly be pleased to grant any other relief(s), which is deemed fit and proper in the aforesaid facts and circumstances of the case.”

2. Learned counsel for the petitioner submits petitioner is holding the post of Subedar (Ministerial) and is posted in Special Branch in the Police Department. She was served four charge memos for initiating departmental enquiry proceedings against her. After conclusion of departmental enquiry, petitioner has been exonerated in three departmental enquiries against her. He submits that one, out of four departmental enquiry, could not proceed further after issuance of charge memo as one case is registered against the petitioner by the Anti Corruption Bureau /Economic Offences Wing (ACB/EOW) in which petitioner is also projected to be one of accused for alleged commission of offence under Section 13 (1) (b), 13 (2) of the Prevention of Corruption Act, 1988. He submits that as of now petitioner is not under suspension. He also contended that in the



meantime, DPC was constituted for promotion of Subedar (Ministerial) to the post of Inspector (Ministerial). However, taking note of pendency of criminal case and departmental enquiry against petitioner, her name was kept in sealed cover. Said proceeding was initiated on 18.11.2020 and since then about 5 years have already lapsed . He contended that considering pendency of criminal case as also departmental enquiry against petitioner and taking note of SOP No.22/02 dated 13.03.2002, petitioner had submitted representation which is Annexure P-9 with a prayer that sealed cover envelope may be opened and she be promoted. Representation submitted by petitioner is still pending consideration before respondent No.3. It is further submitted that in Clause -5 of SOP, it is specifically provided that when criminal case is not concluded for two years and if the employee is not under suspension then it could be analyzed as to whether promotion can be granted or not. Respondent authorities have not taken any decision on representation submitted by petitioner and therefore in the fact of case at this stage respondent No.3 be directed to take decision on the representation submitted by petitioner keeping in mind Clause -5 of SOP No.22/02 dated 13.03.2002.

3. Learned counsel for the State submits that as learned counsel for the petitioner is only seeking a direction to respondent No.3 to take decision on the pending representation, he is having no objection to the limited prayer.
4. On due consideration of the submission of learned counsel for the petitioner and further considering that charge memo in the departmental enquiry was issued on 10.10.2019 and further criminal



case is registered against the petitioner on 27.02.2019 which is pending in the Court of Special Judge (Prevention of Corruption Act), Raipur and considering Clause -5 of SOP, at this stage, this writ petition is disposed of directing respondent No.3 to take decision on representation submitted by petitioner on 03.01.2025 (Annexure P-9) in accordance with law, expeditiously, preferably within a period of 3 months from the date of receipt of copy of order.

Sd/-

(Parth Prateem Sahu)

Judge