

GAHC010040242021



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/1498/2021

KRISHON KANHIYA SHARMA, FORCE NO. 881140391 ASI/GD
PRESENTLY POSTED AT GROUP CENTRE, GUWAHATI CENTRAL RESERVE
POLICE FORCE, AMERIGOG GUWAHATI KAMRUP M ASSAM 781023

VERSUS

THE UNION OF INDIA AND 4 ORS
REPRESENTED BY THE GOVT. OF INDIA MINISTRY OF HOME AFFAIRS,
NORTH BLOCK, NEW DELHI 110001

2:THE DIRECTOR GENERAL

CRPF
CGO COMPLEX
LODHI ROAD
NEW DELHI 110003

3:INSPECTOR GENERAL OF POLICE

NE SECTOR
CRPF SHILLONG
MEGHALAYA

4:THE DEPUTY INSPECTOR GENERAL OF POLICE
CRPF GROUP C
GUWAHATI CRPF
GUWAHATI KAMRUP M ASSAM 781023

5:THE COMMANDANT
CRPF
GROUP CENTRE

GUWAHATI AMERIGOG
KAMRUP M ASSAM 78102

Advocate for the Petitioner : MR. R MAZUMDAR

Advocate for the Respondent : ASSTT.S.G.I.

BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH

ORDER

Date : 05.12.2022

Heard Mr. R. Mazumdar, the learned counsel appearing on behalf of the petitioner and Mr. A. K. Dutta, Assistant S.G.I. appearing on behalf of the respondents.

2. The instant writ petition has been filed challenging the action of the respondent authorities in not granting the petitioner seniority since 2011, when the petitioner was injured on account of a landmine blast while being on active duty.

3. It may be relevant herein to mention that the DIG, G.C., CRPF Khatkhati have passed an order on 15.04.2020 making it clear that the petitioner has been found eligible/fit and thereby brought on the Approved List AA/GD (Male)-06/2011 for assigning of seniority in the rank of ASI/GD with his batch mates in appropriate place of A/List-06/2011. However, the Commandant Group Kendra, CRPF vide his Internal Office Comment held that as the petitioner was not SHAPE-1 during the issue of the office order of promotion in the year 2012, he was not given promotion at that time and as such the petitioner was not entitled to seniority equal to his colleagues on his promotion from the year 2011.

However, as regards, another person i.e. R. K. Singh, it was mentioned that he was SHAPE-1 on 30.11.2010 i.e. on the date of issue of the promotion. Therefore, according to the Rules, the said officer was given promotion by the competent authority from the date 30.09.2011. It is also an admitted fact that both the petitioner as well as Sri. R. K. Singh were injured on the same date and in respect to the same incident.

4. The respondents have filed their affidavit-in-opposition. In the said affidavit-in-opposition, they have duly admitted that both the petitioner as well as Mr. R. K. Singh, Assistant Commandant had sustained blast injury in the same operational duty on 03.05.2011 while posted in 113 BN and as such the petitioner is also eligible for getting the same benefits i.e. seniority and promotion with his batch mates as was in the case of the Officer Sri. R. K. Singh, Assistant Commandant with whom the applicant had participated in the same operation. However, on the ground of some technicality in applying the standard operating procedure in question, the petitioner was not given the seniority.

5. Be that as it may in the said affidavit-in-opposition, it has been mentioned that the case of the petitioner has been forwarded to the SDG, NEZ, CRPF and the decision is awaited. The said affidavit was filed on 10th September, 2021 and almost 1 year 2 months have elapsed. On a specific query being made by this Court upon the learned counsel appearing on behalf of the respondents as to what is the present stage, the learned counsel appearing for the respondents however could not apprise this Court about the decision which was stated to be pending as on the date of filing of the affidavit.

6. Considering the above, this Court fixes the matter again on 12.12.2022 for

further consideration and on that date the learned counsel for the respondents shall apprise this Court of what decision the concerned respondents have taken as regards the seniority of the petitioner.

7. List accordingly.

JUDGE

Comparing Assistant