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2026:CGHC:38752-DB

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WA No. 944 of 2025

1 - Om Prakash Dewangan S/o Dawram Dewangan Aged About 37 Years Occupation Service Posted As Sub Inspector (Radio) At 7th Battalion Caf Bhilai Presently Working At Radio Training Centre, Bhilai District -Durg (C.G.)

2 - Dharmesh Kumar Sahu S/o Bisahat Ram Sahu Aged About 35 Years Occupation Service Presently Posted And Working As Sub Inspector (Radio) State Cyber Cell, Police Headquarters Raipur District- Raipur (C.G.)

3 - Aparajita Singh Rana D/o Rajendra Kumar Singh Rana Aged About 31 Years Occupation Service Presently Posted And Working As Sub Inspector (Radio) State Cyber Cell, Police Headquarters Raipur District- Raipur (C.G.)

4 - Gaurav Shukla S/o Ram Chandra Shukla Aged About 33 Years Occupation Service Presently Posted And Working As Sub Inspector (Radio) Special Branch, Ats Raipur District- Raipur (C.G.)

... Appellant(s)

versus

1 - State of Chhattisgarh Through Secretary, Department Of Home Affairs, Mahanadi Bhawan , Mantralaya, Atal Nagar, Nawa Raipur, District- Raipur (C.G.)

2 - Director General Of Police Police Head Quarter Atal Nagar, Nawa Raipur, District- Raipur (C.G.)

3 - Additional Director General Of Police (Telecommunication) Raipur District- Raipur (C.G.)

... Respondent(s)

(Cause-title taken from Case Information System)

For Appellant(s) : Mr. Sourabh Sahu, Advocate.

For State : Mr. S. S. Baghel, Government Advocate.

Hon'ble Shri Ramesh Sinha, Chief Justice
Hon'ble Shri Ravindra Kumar Agrawal, Judge
Judgment on Board

Per Ramesh Sinha, Chief Justice
01/09/2026

1. Heard Mr. Sourabh Sahu, learned counsel for the appellant as well as Mr. S. S. Baghel, learned Government Advocate for the Respondent/State.
2. The present intra-Court appeal has been preferred by the appellants against the order dated 10.10.2025 passed by the learned Single Judge in W.P.(S) No. 11544 of 2025, titled ***Om Prakash Dewangan and Others vs. State of Chhattisgarh & Another***, whereby the writ petition filed by the appellants herein came to be dismissed.
3. The brief facts of the case, as projected before the learned Single Judge, are that the appellants were appointed on the post of Sub Inspector (Radio) vide order dated 30.10.2017 after successfully qualifying the prescribed recruitment process and joined their respective posts in November, 2017. Their services are governed by the Chhattisgarh Police Executive (Non-Gazetted) Service Recruitment Rules, 2021, under which the next promotional post from Sub Inspector (Radio) is Inspector (Radio) and eight years of service on the feeder post is prescribed for promotion. The

appellants contended that, in view of Rule 6(2) of the Chhattisgarh Public Services (Promotion) Rules, 2003, particularly the Explanation thereto, the qualifying service is required to be computed from the calendar year in which the employee joined the feeder cadre and not from the actual date of joining. Thus, according to the appellants, having joined the feeder cadre in the year 2017, they had completed the requisite eight years of qualifying service in the year 2024 and were eligible for consideration for promotion as on 01.01.2025. It was also contended that seven posts of Inspector (Radio) were lying vacant and the appellants, being senior in the gradation list and falling within the zone of consideration, were entitled to be considered for promotion.

4. It was further the case of the appellants that despite their eligibility, the respondents failed to convene the Departmental Promotion Committee and consider their cases for promotion, though DPCs had been convened and promotion orders had been issued in respect of other officers of the department. The appellants, having made representations to the authorities without any favourable response, preferred W.P.(S) No. 11544 of 2025 before the learned Single Judge. The learned Single Judge, vide order dated 10.10.2025, dismissed the writ petition holding that the appellants would complete eight years of service in October, 2025 as per their respective dates of joining and would consequently become eligible for promotion on 01.01.2026.

Aggrieved by the aforesaid order, the appellants have preferred the present intra-Court appeal.

5. Learned counsel appearing for the appellants would submit that the learned Single Judge has erred in dismissing the writ petition by holding that the appellants would complete eight years of service only in October, 2025, and would consequently become eligible for promotion from 01.01.2026. He would submit that the said finding is contrary to the specific provision contained in the Explanation to Rule 6(2) of the Chhattisgarh Public Services (Promotion) Rules, 2003, which expressly provides that, for the purpose of computing eligibility for promotion, the qualifying service is to be counted from the calendar year in which the Government servant joined the feeder cadre and not from the actual date of joining. Since the appellants joined the feeder cadre in the year 2017, their qualifying service of eight years stood completed in the year 2024 and, therefore, they were eligible to be considered for promotion as on 01.01.2025.
6. Learned counsel would further submit that under the Chhattisgarh Police Executive (Non-Gazetted) Service Recruitment Rules, 2021, the promotional post of Sub Inspector (Radio) is Inspector (Radio) and eight years of service is prescribed as the qualifying service. The appellants satisfy the said eligibility condition and are also senior in the gradation list. It is submitted that seven posts of Inspector (Radio) were lying vacant and, despite the appellants being eligible and falling within the zone of consideration, their

cases were not considered by the respondents. Learned counsel would contend that the Departmental Promotion Committee is required to be convened ordinarily every year in terms of Rule 15 of the Rules, 2021, and the respondents had already convened the DPC and granted promotion to other officers of the department, but the cases of the appellants were not considered.

7. Learned counsel would also submit that the respondents cannot rely upon any departmental SOP or instructions to defeat the statutory right of the appellants to be considered for promotion under the Rules of 2003. Such instructions cannot override the statutory rules framed under the proviso to Article 309 of the Constitution of India. It is further submitted that other wings of the Police Department have been extending the benefit of computation of qualifying service from the calendar year in accordance with the Explanation to Rule 6(2), and even employees who joined in the later months of a calendar year have been granted the benefit of the entire calendar year for the purpose of promotion. Thus, denial of the same benefit to the appellants is arbitrary and discriminatory.
8. Learned counsel, therefore, submits that the impugned order dated 10.10.2025 suffers from an erroneous interpretation of the applicable service rules and deserves to be set aside. He would pray that the present writ appeal be allowed and the respondents be directed to consider the appellants for promotion to the post of

Inspector (Radio), in accordance with the applicable rules and their eligibility as on 01.01.2025.

- 9.** Per contra, learned counsel appearing for the respondent-State would submit that the present writ appeal is devoid of merit and has rightly been preferred against the order dated 10.10.2025 passed by the learned Single Judge. He would submit that the appellants had approached the learned Single Judge seeking a direction to the respondents to convene the Departmental Promotion Committee and consider their cases for promotion from the post of Sub Inspector (Radio) to Inspector (Radio). However, as on the relevant cut-off date, i.e. 01.01.2025, none of the appellants had completed the requisite eight years of qualifying service prescribed under the applicable Recruitment Rules. Their actual dates of joining were 04.11.2017, 06.11.2017, 12.11.2017 and 13.11.2017 respectively and, therefore, they had completed only about seven years and one month of service as on 01.01.2025. Consequently, the respondents were justified in not considering their cases for promotion.
- 10.** Learned counsel would further submit that Rule 15 of the Chhattisgarh Police Executive Class III (Non-Gazetted) Service Recruitment Rules, 2021 provides for appointment by promotion, whereas Rule 16 specifically provides that the Departmental Promotion Committee shall consider the cases of persons who, on the first day of January of the relevant year, have completed the prescribed number of years of service. As per Schedule-IV of

the Rules, 2021, eight years of service is prescribed for promotion from the post of Sub Inspector (Radio) to Inspector (Radio). Thus, the appellants were not eligible for consideration as on 01.01.2025. Learned counsel would submit that the learned Single Judge, after considering the relevant statutory provisions and the respective pleadings of the parties, has rightly held that the appellants would complete the requisite eight years of service only in October, 2025 and would consequently become eligible for consideration for promotion from 01.01.2026.

11. Learned counsel appearing for the respondent-State would also submit that the appellants cannot claim promotion as a matter of right merely because vacancies are available, as the right of an employee is only to be considered for promotion in accordance with the applicable service rules and upon fulfillment of the prescribed eligibility criteria. The fact that seven posts of Inspector (Radio) were vacant does not dispense with the mandatory requirement of completing the prescribed qualifying service. It is further submitted that the interpretation sought to be placed by the appellants upon the Explanation to Rule 6(2) of the Chhattisgarh Public Services (Promotion) Rules, 2003 cannot be divorced from the specific provisions of the Recruitment Rules governing their service, particularly Rule 16 of the Rules, 2021, which requires fulfillment of the prescribed qualifying service as on the first day of January of the relevant year.

12. Learned counsel would further submit that the appellants have failed to demonstrate any violation of their fundamental or legal rights warranting interference in intra-Court appellate jurisdiction. The learned Single Judge has considered the matter in its proper perspective and has passed the impugned order in accordance with the applicable rules. There being no perversity, illegality or jurisdictional error in the order dated 10.10.2025, the present writ appeal deserves to be dismissed.
13. We have heard learned counsel appearing for the parties at length and carefully considered their rival submissions. We have also perused the record of the case, the relevant service rules and the impugned order dated 10.10.2025 passed by the learned Single Judge in W.P.(S) No. 11544 of 2025.
14. Having considered the rival submissions advanced by learned counsel for the parties and having carefully examined the relevant provisions of the Chhattisgarh Public Services (Promotion) Rules, 2003 and the Chhattisgarh Police Executive (Non-Gazetted) Service Recruitment Rules, 2021, the short question which arises for consideration in the present appeal is as to whether, for the purpose of determining the eligibility of the appellants for promotion, the qualifying period of eight years is to be reckoned from the actual date of joining the feeder cadre or from the calendar year in which the appellants joined the feeder cadre.
15. The appellants were appointed to the post of Sub Inspector (Radio) in the year 2017 and admittedly joined the said post in

November, 2017. Under Schedule-IV of the Rules, 2021, eight years of service in the post of Sub Inspector (Radio) is prescribed as the qualifying service for promotion to the post of Inspector (Radio). Rule 6(2) of the Rules, 2003 provides that the names of only such public servants shall be considered for promotion who have completed the prescribed qualifying service in their feeder cadre in accordance with the Recruitment Rules. More importantly, the Explanation appended to Rule 6(2) specifically provides the manner of computation of eligibility and states that the period of qualifying service, as on 1st January of the relevant year in which the Departmental Promotion Committee is convened, shall be counted from the **calendar year in which the public servant has joined the feeder cadre**, and not from the date of joining of the cadre, part of the service or pay scale of the post.

- 16.** Rule 6 of the Rules of 2003 deals with promotion on the basis of seniority subject to fitness. For the purpose of the present case, sub-rules (1) and (2) of Rule 6 are relevant and are reproduced hereinbelow:

“6. Promotion on the basis of seniority subject to fitness.-

(1) In such cases where the promotion is to be made on the basis of seniority subject to fitness, there shall be no zone of consideration for all categories.

(2) The names of only such public servants shall be considered for promotion, who have completed the prescribed qualifying service in their feeder cadre/part of the service/pay scale of post according to the Recruitment Rules. It is, however, not necessary to

consider all the names of public servants who have completed the prescribed minimum length of service but only such number of cases of public servants shall be considered according to the seniority, which shall be sufficient to cover the number of existing and anticipated vacancies due to retirement during the year under each category. In addition to this, with a view of inclusion, in the select list, the names of two public servants or 25 percent of the number of the public servants included in the select list, whichever is more, the names of the required number of public servants shall be considered for each category to fill up the unforeseen vacancies occurring during the course of the aforesaid period.

Explanation. - Manner of computation for eligibility for promotion. Period of qualifying service on 1st January of the relevant year in which Departmental Promotion Committee is convened shall be counted from the calendar year in which the public servant has joined the feeding cadre/part of the service/pay scale of the post and not from the date of joining of the cadre/part of the service/pay scale of post.”

17. A plain reading of the aforesaid provision leaves no manner of doubt that the rule-making authority has consciously prescribed the **calendar year of joining** as the starting point for computation of qualifying service and has specifically excluded the actual date of joining as the basis for such computation. Therefore, once the appellants had joined the feeder cadre in the year 2017, the entire calendar year 2017 is liable to be reckoned as the first year of qualifying service. Consequently, the qualifying service of the appellants would be computed as the first year in 2017, second year in 2018, third year in 2019, fourth year in 2020, fifth year in 2021, sixth year in 2022, seventh year in 2023 and eighth year in 2024. Thus, as on 01.01.2025, the appellants had already completed the prescribed eight years of qualifying service.

- 18.** In our considered opinion, the learned Single Judge fell into error in proceeding on the basis of the actual dates of joining of the appellants and holding that they would complete eight years of service only in October, 2025 and would, therefore, become eligible for consideration for promotion from 01.01.2026. Such an interpretation runs contrary to the express language of the Explanation to Rule 6(2) of the Rules, 2003. When the statutory provision itself specifically provides that the qualifying service is to be counted from the calendar year in which the employee joined the feeder cadre and not from the date of joining, the actual dates of joining of the appellants in November, 2017 cannot be made the basis for postponing their eligibility.
- 19.** It is also relevant that Rule 16 of the Rules, 2021 requires the eligibility of an employee to be examined with reference to the first day of January of the relevant year. Therefore, once the appellants had completed the requisite eight years of qualifying service by reckoning their service from the calendar year 2017, they were eligible to be considered for promotion as on 01.01.2025, subject, of course, to their fulfillment of the other conditions prescribed under the Rules. The availability of vacancies and the appellants' position in the gradation list further required their cases to be placed before the competent Departmental Promotion Committee in accordance with law.
- 20.** The contention of the respondent-State that the appellants had completed only about seven years and one month of actual

service as on 01.01.2025 cannot be accepted in view of the specific statutory method of computation prescribed under the Explanation to Rule 6(2) of the Rules, 2003. The said provision cannot be rendered otiose by adopting a method of calculation based upon the actual date of joining, when the rule itself expressly directs that the computation shall be made from the calendar year of joining. The learned Single Judge, therefore, was not justified in declining consideration of the appellants' cases for promotion on the ground that they had not completed eight years of service as on 01.01.2025.

21. Consequently, the impugned order dated 10.10.2025 passed by the learned Single Judge in W.P.(S) No. 11544 of 2025 cannot be sustained and is hereby **set aside**. The present writ appeal is accordingly **allowed**. The respondents are directed to consider the cases of the appellants for promotion to the post of Inspector (Radio), treating them as having completed the requisite eight years of qualifying service as on 01.01.2025, in accordance with the applicable Rules. Such consideration shall be made by the competent Departmental Promotion Committee, subject to fulfillment of all other eligibility conditions and availability of vacancies with all consequential benefits, in accordance with law.

Sd/-

(Ravindra Kumar Agrawal)
Judge

Sd/-

(Ramesh Sinha)
Chief Justice