



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-6492-2018 (O&M)

BHAGWAN DAS

..Petitioner

Versus

UNION OF INDIA AND ORS.

..Respondents

Reserved on: 21.07.2026

Pronounced on : 28.07.2026

Uploaded on : 28.07.2026

Whether only the operative part of the judgment is pronounced?

NO

Whether full judgment is pronounced?

YES

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. Aryan Singh, Advocate
for the petitioner.

Ms. Anita Balyan, Sr. Panel Counsel
for respondents.

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SUDEEPTI SHARMA, J.

1. The present writ petition has been filed for setting aside orders dated 23.07.2015 and 31.03.2017, whereby, claim of the petitioner for promotion to the post of Head Constable has been rejected and further, for directions to the respondents to promote the petitioner.

2. Learned counsel for the petitioner contends that vide order dated 31.03.2017, the claim of the petitioner for promotion is wrongly rejected. He, therefore, prays that the present petition be allowed.



3. Per contra, learned counsel for respondents argues on the lines of written statement filed by the respondents.
4. I have heard learned counsel for the parties and perused the whole file of this case with their able assistance.
5. It would be apposite to reproduce the relevant portion of the written statement, which is reproduced as under:-

“Para no. 1.

That in reply to para no. 1 of the petition, it is submitted that No. 870430617 Const/Cobbler Bhagwan Das of 04 Bn BSF (now STC BSF Kharkan Camp) was enrolled in BSF on 16-11- 1987 as CT/Cobbler. He served in 4 Bn BSF initially and further posted to DIG HQ FHQ vide FHQ BSF (Pers Dte) O/No.44/A/2005- Rectt/BSF/7875-8175 dated 10-05-2006. He was later posted to STC PB from 70 BN BSF. He joined STC Punjab on 11/05/2016 in compliance to Ftr HQ BSF PB Sig No. A/4453 dated 30/04/2016.

That as per policy on promotion of Trademen issued by FHQ (Pers Dte) vide letter No. 17/42/88-Pers/BSF dated 13-09-1990, the Trademen who fulfill all requisite educational / Map reading standard can be put to undergo List 'A' pre- promotion Cadre for promotion to the rank of L/NK. It has also been mentioned in above letter that the Trademen who will fulfill all the prescribed conditions for enrolment in BSF as Constable may be allowed to undergo list 'A' pre promotion Cadre.

That accordingly, as per submission of his willingness to gain promotion of higher rank like CT (GD), he was put through 12 weeks basic refresher training, List 'A' cadre wef. 06-11-96 to 07-02-1997, Group Leader Course wef. 03-10-2000 to 28-11-2000 and Section Leader Course wef. 30-04-2002 to 06-07-2002 as



well as Map reading- IInd and BSF Ist class education while serving in 04 BN BSF. He was also empanelled for promotion to the rank of HC/GD, but he was not promoted to the rank of HC (GD) due to the introduction of RR-2002 which superseded earlier RRs issued on 13.09.1990. Copy of RR-2002 is enclosed herewith as Annexure R-1. That as per new procedure/ criteria for preparation of list C, D & E issued vide FHQ (Pers- Dte) L/No.17/8/2002/Pers/5413/5713 dated 10-01-2003, 08 years service is required for considering a Constable for promotion out of which 5 years is mandatory in a service Coy of duty Bn or Arty Regt. it also provided that the provision of five years of service in a service Coy, will not apply to Constables working in communication/ Band/ Water wing/ Engineering/ SRO/ SIW/ CSWT/ MT workshop/ URO/ Other technical Workshops including those working in posts declared as Technical by the DG BSF and Central Sports Team of BSF. Copy of letter is annexed herewith as Annexure R-2.

That the Constable (TM) posted in a field unit cannot fulfil the service conditions of 5 years in service coy of a duty Bn due to the rank structure as he has to be posted to HQ Coy to perform his trade duties at Bn HQ.

FHQ (Pers Dte) vide their L/No. 17/19/2001/Pers/BSF/PT-II/69555 dated 19.12.2003 has clarified that FHQ (Pers Dte) letter No. Pers/FHQ/17/42/88/BSF dated 13-09-1990 stands superseded in view of separate RR to the post of CT(TM) vide GSR No. 418 dated 18-10- 2000 and revision of RR of BSF GD Cadre (Non Gazetted) vide GSR No. 128 dated 22-03-2002. Since there is no provision in both the RRs for promotion of CT(TM) these posts are to be treated as, isolated one and thus CT(TM) is eligible for two financial up gradation under ACP Scheme. Copy of



FHQ (Pers Dte) L/No. 69555 dated 19.12.2003 is annexed herewith as Annexure R-3.

Hence, in accordance with the RR-2002, the Petitioner of 4 Bn BSF (Now STC BSF Punjab) who remained posted to HQ Coy to perform his trade duties at Bn HQ and has not completed 5 years mandatory service in service Coy of duty Bn and due to expiry of validity period of empanelment for promotion to the rank of HC/GD was not promoted to the rank of HC/GD. Besides this Recruitment/ appointment of Const(TM) is regulated by the separate RRs notified vide GSR No. 418 dated 18-10-2000. Hence Const(TM) Bhagwan Das is not eligible for promotion to the rank of HC(GD). However, he is eligible for first financial up gradation under ACP Scheme which has already been granted to him wef. 16-11-1999. Copy of GSR No. 418 dated 18.10.2000 is annexed herewith as Annexure R-4. That no. 87043061 CT(TM) Bhagwan Das has also appeared for the DG's interview at FHQ to redress his grievances for his promotion to the rank of Head Constable (GD). The case had been examined in detail at FHQ and FHQ BSF (Pers Dte) vide their L/No. 73681 dated 17-11-2005, intimated that he had undergone Pre-promotion courses for the post of HC(GD) based on instructions of FHQ dated 13-09-1990 which do not form part of feeder Grade now for the post of HC(GD) as per BSF GD Cadre (Non-Gazetted) RR-2002. Moreover, in pursuance to FHQ BSF (Pers Dte) New Delhi letter No. 17/100/ 2003-Pers/BSF/19561-72 dated 16 March 2005, he is not eligible for promotion to the HC/GD. There is no provision for promotion of Const (Tradesmen) to the rank of HC, available in RRs-2002. However, he is eligible for financial up gradation under ACP Scheme and he has already been given financial upgradation under ACP



scheme wef. 16-11-1999. Copy of FHQ (pers dte) L/No. 19561-72 dated 16 March 2005 is annexed as per Annexure R-5.

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Para No. 8

That in reply to para no. 8 of the petition, it is submitted that No. 870430273 CT/ Cobbler RaJ Pal Singh earlier posted to 04 Bn was promoted to the rank of HC/GD w.e.f. 18.06.2001 after qualifying PPC and DPC List 'C'. After publication of separate RRs for BSF (Tradesmen Group 'C' and enrolled followers Group 'D' posts) and Gen Duty Cadre (Non Gazetted) RRs 2002 dated 22.03.2002, said individual was reverted to the rank of Const (Tradesman) vide his unit O/No. Est/SLC/1393/2004/687-82 dated 23.01.2004.

On making representation against reversion from rank of HC(GD) to the rank of Const/ TM made by No. 880060037 CT/ Painter Ouran Singh and No. 870430273 CT/ Cobbler Raj Pal Singh to National Commission for Scheduled Castes, GOI, New Delhi. His case was examined in detail at FHQ (Pers Dte) in consultation with D&L Branch and observed that, reversion of individual from the rank of HC to Const was not in order as he was promoted to the rank of HC before notification of RRs-2002 and performed duty of HC (GD) for more than two and half year.

Para no. 9

That in reply to para no. 9 of the petition, it is submitted that in pursuance of prior publication of BSF GD Cadre (Non Gazetted) RRs-2002 and as per FHQ L/No. 17/42/88-Pers/BSF dated 13 Sept 1990 he was sent for Section Leader Course. In the meantime, new Recruitment Rules (RRs) were issued on 22 March 2002



which superseded earlier instructions for promotion of Const (Tradesman) to the rank of HC/GD.

But due to oversight of new RRs of 22 March 2002, he was erroneously empanelled for promotion to the rank of HC. But, when this mistake came into the notice, the clarification regarding promotion of Const (Tradesman) was asked from higher HQr. As the matter was clarified by FHQ (Pers Dte) vide their L/No. 17/19/2001/Pers-BSF/PT-II/26465 dated 08 June 2004, thus he was not considered for promotion to the HC/GD.

Para no. 9

That in reply to para no. 9 of the petition, it is submitted that during November 2006 the petitioner appeared for the DG's Interview to redress his grievances for his promotion to the rank of Head Constable (GD). His case was examined at FHQ and found that Const/ TM Bhagwan Das is not eligible for promotion to the rank of HC (GD). However, he was eligible for 1st Financial upgradation under ACP Scheme, which has already been granted to him w.e.f. 16.11.1999.

Para no. 10

That in reply to para no. 10 of the petition, it is submitted that No. 870430617 Const/ Cobbler, Petitioner Bhagwan Das was enrolled in BSF as CT/ Cobbler and the post of tradesman is an Isolated post having no promotional avenues and all instructions issued earlier have already been superseded due to publication of new RRs- 2002 dated 22.03.2002. Hence, no provisions for promotion of Const (Tradesmen) to the rank of HC available in RRs-2002. They are eligible for financial upgradation under ACP Scheme and he has already been given Financial upgradation under ACP Scheme w.e.f. 16.11.1999.

**Para no. 11**

That in reply to para no. 11 of the petition, it is submitted that No. 870430617 Const/ Cobbler, Petitioner Bhagwan Das was enrolled in BSF as CT/ Cobbler and the post of tradesman is an Isolated post having no promotional avenues and all instructions issued earlier have already been superseded due to publication of new RRs- 2002 dated 22.03.2002. Hence, no provisions for promotion of Const (Tradesmen) to the rank of HC available in RRs-2002. They are eligible for financial up gradation under ACP Scheme and he has already been given Financial upgradation under ACP Scheme w.e.f. 16.11.1999.

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Para no. 13

That in reply to para no. 13 of the petition, it is submitted that when the petitioner was posted in 04 Bn BSF, he was permitted to undergo Pre-promotion courses for the post of HC(GD) based on instructions of FHQ Letter No. 17/42/88/Pers/BSF dated 13- 09-1990. But due to publication of new RRs-2002 issued on 22.03.2002, he was not considered for promotion to the rank of HC/GD as the matter was clarified by FHQ (Pers Dte) vide their L/No. 17/19/2001-Pers/BSF/PT-II/26465 dated 08.06.2004.

Moreover in pursuance of FHQ BSF (Pers Dte) letter No. 17/100/2003- Pers/BSF/19561-72 dated 16 March 2005, he is not eligible for promotion to the HC/GD. Moreover there are no provisions for promotion of Const (Tradesmen) to the rank of HC available in RRs-2002. However, he is eligible for financial up gradation under ACP Scheme and he has already been given financial upgradation under ACP scheme wef. 16-11-1999.”



6. In view of the above referred to stand taken by the respondents,
I do not find any merit in the present writ petition and the same is hereby
dismissed.

7. Pending miscellaneous application(s), if any, stand disposed of.

28.07.2026

Ayub/Saahil

(SUDEEPTI SHARMA)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No