

IN THE HIGH COURT OF PUNJAB & HARYANA ATCHANDIGARH

-:-

Civil Writ Petition No. 26765 of 2015

Date of decision : 22.12.2015

Pawan Kumar

... Petitioner

versus

State of Punjab & Ors.

... Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Pankaj Jain, Advocate, for the petitioner.

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

RAJIV NARAIN RAINA, J (ORAL)

Admitting that power is posited in the Director General of Police, Punjab, under Rule 13.21 of the Punjab Police Rules, 1934 to grant out-of-turn promotion/personal rank to a policeman be exercising such powers, even then such vast power has to be exercised reasonably and for special and justifiable reasons based on objective material though the decision may be on the subjective satisfaction of the Officer. The reason for granting out-of-turn promotion (exempted)/personal rank from Head Constable to Assistant Sub Inspector from List D-II (Exemptee) was avowedly in recognition of “extraordinary and outstanding services rendered by the official”. What these extraordinary and outstanding services are is not disclosed either in the order dated December 24, 2011 or in the subsequent proceedings where the successor-in-interest has reviewed the order dated 24.12.2011 and withdrawn the relaxation resulting in the reversion of the petitioner to the previous rank. This withdrawal of the out-of-turn promotion has been effected by the Additional Director General of Police, Punjab with the approval of Director General of Police, Punjab, since

he is the competent authority.

In the review proceedings nothing extraordinary has showed up to justify outstanding services rendered by the official for his continued retention in the higher rank. Therefore, the principle that successor-in-interest would ordinarily not review the work of a predecessor-in-interest taken after conscious application of mind would not apply to the case in hand because the initial decision appears to be a dubious one.

Accordingly, I am unable to exercise powers under Article 226 of the Constitution to interfere in such a matter.

The petition is accordingly dismissed.

December 22, 2015
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(RAJIV NARAIN RAINA)
JUDGE