

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP No.9846 of 2015
Date of decision: 18.05.2015

Iqbal Singh

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Surinder Garg, Advocate, for the petitioner.

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

ARUN PALLI J. (Oral)

Writ in the nature of certiorari is prayed for, so as to quash the order dated 02.08.2014 (Annexure P4), vide which the petitioner has been designated as Senior Constable and has been sent to undergo the requisite training w.e.f. 04.05.2015 to 30.06.2015. A direction is also sought to consider and promote the petitioner [without monetary benefit or advantage in seniority], in terms of the standing order No.3/2011, issued by respondent No.2. It is averred that the petitioner was appointed as Constable with the Punjab Police on 23.08.1989. Vide standing order No.3/2011, a direction was issued by the office of Director General of Police, Punjab [respondent No.2], that the Constables who have completed 16 years of service, be promoted as Head Constables. An FIR was registered against the petitioner under Sections 406/498-

A/109 IPC, arising out of a matrimonial dispute on 25.09.2004. Vide order dated 24.08.2010 (Annexure P2), respondent No.4 ordered promotion of certain Constables as Head Constables, in terms of the standing order No.3/2011. However, claim of the petitioner was not considered on account of pendency of a criminal case. Later, as the matter was compromised between the petitioner and his wife, the FIR was quashed by this court vide order dated 02.07.2012 (Annexure P3). That being so, the petitioner represented to the respondents to consider his claim for promotion to the post of Head Constable, as the FIR that was registered against him since stood quashed. But respondents instead, vide order dated 02.08.2014 (Annexure P4), designated the petitioner as Senior Constable on completion of 8 years of service. Being aggrieved, the petitioner made a comprehensive representation to respondent No.4, vide representation dated 11.12.2014 (Annexure P5). In short, he prays that his name be deleted from the list of Senior Constables and his claim be considered for promotion as Head Constable in the wake of the standing order No.3/2011.

Learned counsel for the petitioner submits that his representation (Annexure P5) is still pending consideration before respondent No.4, as no formal order has yet been passed thereon. He submits that let this petition, at this stage, be disposed of only with a direction to respondent No.4, to

consider and decide his representation (Annexure P5), within a specified time.

That being so, and without expressing any opinion on merits, this petition is disposed of only with a direction to respondent No.4, to consider and decide the claim of the petitioner, as set out in his representation dated 11.12.2014 (Annexure P5), strictly in accordance with law, within a period of 3 months from the receipt of certified copy of this order. Though, needless to assert, a comprehensive order shall be passed, assigning reasons in support of the decision arrived at.

May 18, 2015
Rajan

(Arun Palli)
Judge