

IN THE HIGH COURT OF PUNJAB AND HARYANA, CHANDIGARH

LPA-445-2014 in
CWP-179-2013
Decided on: 23.02.2015

Jagminder Singh

.....Appellant

versus

State of Haryana and others

.....Respondents

**CORAM HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE RAJ MOHAN SINGH**

Present Mr. Ramesh Hooda, Advocate for the appellant.
Mr. Deepak Manchanda, Addl. AG, Haryana.

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

SURYA KANT, J (ORAL)

The order dated 08.01.2014, whereby the learned Single Judge has rejected the appellant's claim for retrospective promotion as Assistant Sub Inspector of Police, is under challenge in this Letter Patent Appeal.

The appellant joined the Haryana police as a Constable in the year 1979. He was promoted as Head Constable in the year 1984. He claims to be the member of the police team which intercepted a gang of criminals who were preparing themselves to commit illegal activities. Two criminals are claimed to have been apprehended with weapons.

The aforesaid incident was taken to be an act of 'bravery' on the part of police officials to justify the State largesse comprising *ad hoc* promotion in their own rank and

pay given to the members of team. The appellant was also the beneficiary as he got *ad hoc* promotion as Sub Inspector but in the pay scale of Asstt. Sub Inspector, namely, the post which he at that time was holding. The appellant continued to serve as *ad hoc* Sub Inspector till his turn for regular promotion came in the year 2011-2012.

In the year 2012, some police officials to whom out of turn *ad hoc* promotions were granted in the name of bravery acts or in the sports persons category were made regular. The appellant also represented that his *ad hoc* promotion w.e.f 15.01.2002 be converted into regular one and he be granted seniority as regular Sub- Inspector from the date of *ad hoc* promotion. The authorities rejected his claim. He approached this Court through a writ petition which has been dismissed by the learned Single Judge, observing that the appellant was apparently satisfied with his *ad hoc* promotion under the own rank and pay policy as he did not murmur against the *ad hoc* promotion for almost 10 years and it was only in 2012 that he made the representation.

Still aggrieved, the appellant has preferred this appeal.

We have heard learned counsel for the parties and gone through the record.

In our considered view, the learned Single Judge has rightly held that the appellant after his *ad hoc* promotion in his own rank and pay never felt aggrieved against the same. Meanwhile, he got regular promotion as Sub-Inspector as per his turn and seniority and at no point of time he raised claim for retrospective promotion from the year 2002. As regard, to the orders passed in 2010, we are of the considered view that 'sports persons' constitute an altogether different and special category and the appellant can claim no parity with them. The endeavor of the authorities to promote sports

through varied incentives including out of turn promotion etc are fully justified.

As regards to those police officials to whom regular promotions have been granted on the basis of so called acts of bravery, we would have struck down such an ex facie illegal action if the police officials were party respondents or any challenge was made to these glaring examples of favoritism. The manner in which trivial matters which are a part of routine duty are projected as an event of bravery to breed nepotism and favoritism deserves to be strongly curbed to boost morale and discipline - both in the police force. We direct the State Government to review all such cases and where-ever it is found that undue favour has been shown, let such benefits be withdrawn after observing the principles of natural justice.

(SURYA KANT)
JUDGE

23.02.2015
mamta

(RAJ MOHAN SINGH)
JUDGE