

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

RSA No. 115 of 2014 (O&M)

Date of decision: October 31, 2015

Harjinder Singh and another

...Appellants

Versus

State of Punjab and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE K. KANNAN

- 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?**

Present: Mr. Manu K. Bhandari, Advocate,
for the appellants.

K. KANNAN, J. (Oral)

CM No. 248 C of 2014

For the reasons stated in the application, delay in re-filing the appeal is condoned.

Main case

1. The appeal is by the plaintiffs who lost their challenge to the reversion made after they were promoted from Constables to the post of Head Constables for their brave and gallant act displayed in a case where a complaint was registered under the provision of the Arms Act and for offences under Sections 307, 353, 186/34 IPC. The reversion was made on the ground that out of turn promotion granted from list C-II (exemptees) of the Punjab Police Rules was beyond the quota reserved for persons who had

outstanding qualifications. The promotion was contrary to Rule 13.8 of the Punjab Police Rules and hence the order of reversion was made.

2. Although there was a contention that the reversion has been made without notice to show cause against such reversion, it was expected that the plaintiffs proved that the promotion granted was in accordance with rules. The contest by the government was that it was in excess of 10% quota for exemptees and hence impermissible. This point has actually come up for consideration in a judgment of this Court in Sub Inspector Sawaran Singh Versus State of Punjab and others Civil Writ Petition No. 13788 of 1997 decided on 21.4.1998. This Court held that persons who qualify for consideration for promotion from list C-II when they had not passed the Lower School Course, could be considered for promotion only if the promotion was within the quota. The Court, while disposing of the writ petition, had allowed for drawing of list of total candidates and assigned only a 10% quota of persons of outstanding merits from list CII. The reversion made was keeping in the law as interpreted by this Court in Sawaran Singh's case (supra).

3. I do not find any error in the judgments of the courts below for interference. The second appeal is dismissed as involving no substantial question of law.

October 31, 2015
prem

(K.KANNAN)
JUDGE