

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

CWP No.4383 of 1996

Date of Decision:22.04.2016

ASI Balbir Singh

.....Petitioner

Vs.

State of Haryana and others

.....Respondents

CORAM:- HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr. Dalbir Singh, Advocate for the petitioner.

Mr. M.S. Sidhu, Addl. AG, Haryana.

RITU BAHRI, J.(Oral)

The petitioner is seeking quashing of order of reversion dated 11.9.1992 by which he has been reverted from the rank of ad-hoc ASI to the to the rank of Head Constable and further to the substantive rank of Constable.

The petitioner was enrolled as Constable in the Railway Police (G.R.P)- on 8.12.1980. He was promoted to the post of Head Constable on 14.1.1988. Vide order dated 15.1.1990 Annexure P.2, he was promoted to the post of Assistant Sub Inspector by respondent No.2. This promotion was on ad-hoc basis against 10% reservation for outstanding sportsman without passing the Lower School Course under Rule 13.18. The sports distinctions of the petitioner are as below:-

- “(1) N.C.C. Air Wing 'B' & 'C' Certificate 1978-1979,
- (2) Republic Day Parade attended in Delhi 1978,
- (3) Best Cadet N.C.C. Air Wing in Dayal Singh College, 1979,

- (4) Pilot Training Course from Karnal Aviation Club, Naval (Karnal) 1979.
- (5) Tear Gas Course, Yoga Course A.W.T. Course pass in P.T.C. Madhuban.

S.No.	Event	Position	Year	Place/ Institution
1.	800 M.Race	2 nd	1978	Dayal Singh College, Karnal.
2.	1500 M.Race	2 nd	1978	-do-
3.	3000 M.Race	Ist	1979	-do-
4.	800 M.Race	Ist	1979	-do-
5.	1500 M.Race	Ist	1979	-do-
6.	3000 M.Race	Ist	1979	-do-
7.	1500 M.Race	Ist	1979	Sports Festival, Karnal
8.	3000 M.Race	2 nd	1979	-do-
9.	4 x 400 M.Race	3 rd	1986	State Championship Fatiabad.
10.	800 M.Race	Ist	1986	Haryana Police
11.	1500 M.Race	Ist	1986	-do-
12.	800 M.Race	2 nd	1987	-do-
13.	1500 M.Race	2 nd	1987	-do-
14.	3000 M.Race	3 rd	1987	Haryana Police
15.	5000 M.Race	3 rd	1987	-do-
16.	800 M.Race	3 rd	1988	-do-
17.	1500 M.Race	Ist	1988	-do-
18.	3000 M.Race	3 rd	1988	-do-
19.	5000 M.Race	Ist	1988	-do-
20.	4 x 400 M.Race	IIInd	1989	-do-

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|-----|--|------|------|--|
| 21. | 5000 M.Race | Ist | 1989 | -do- |
| 22. | Represented in All India Police Games, Madhuban, Trivandrum and Delhi. | | | |
| 23. | Cross Country | Ist | 1986 | All India Police Championship CRPF. |
| 24. | 3000 M.Steeple | IInd | 1990 | Haryana Police Commendation Certificate. |
| 25. | 5000 M.Race | IInd | 1990 | Haryana Police Commendation Certificate. |
| 26. | Cross Country | Ist | 1991 | National Cross Country Championship. |
| 27. | 5 Km. | Ist | 1991 | Haryana Police Games, Madhuban. |
| 28. | 10 Km. | Ist | 1991 | -do- |
| 29. | 12 Km. | Ist | 1991 | -do-” |

In paragraph 5 of the petition, the petitioner has given his sports distinctions which the respondents in his written statement have not disputed. Vide order dated 11.9.1992, the petitioner was reverted from the rank of ad-hoc ASI to the rank of Head Constable and thereafter, to the rank of Constable. The petitioner, thereafter, filed writ petition No.459 of 1993 challenging order of reversion and this writ petition was disposed of on 8.12.1993 with a direction to the respondents to treat the writ petition as an appeal. Thereafter, the impugned order Annexure P.1 has been passed by the Director General of Police, Haryana on 27.2.1996. This appeal has been dismissed by observing that he was not involved in an extra-ordinary or outstanding professional work nor he has achieved any national level sports achievements and on five occasions, his conduct was not satisfactory. Vide

interim order dated 23.3.1996, the reversion order was stayed during the pendency of this writ petition.

Counsel for the petitioner has placed on record order Annexure P.7 whereby the petitioner pursuant to the interim orders passed by this Court had continued to work as ASI and order Annexure P.8 whereby ad hoc promotions granted to ASI Rajbir and ASI Anoop Singh have been regularised by the Department. A perusal of this order shows that the promotion had been granted wayback in the year 1990. Ad hoc promotions have been regularised. A Co-ordinate Bench of this Court in the case of ASI Inder Singh, Gian Chand and Roshal Lal had considered the cases of similarly situated employees who had been granted out of turn ad hoc promotion in the sports quota. On account of the recognition of the outstanding service, subsequently, they have been reverted by making reference to a Supreme Court judgment in the case of Sub Inspector Paras Kumar and others v. S.I. Ram Charan and others, 2004(6) SCC 88, the reversion order was set aside. The reversion orders had been made only on administrative grounds. The main ground for reverting the petitioners was that there was no prominent vacancy available to promote them on regular basis. Keeping in view that the reversion order had been stayed for two decades the reversion order was quashed and liberty was given to the State to examine the vacancy position existed at the time of when order of reversion was passed.

In the present case, while promoting the petitioner, it has been stated that adhoc promotion was being made against existing vacancy in Government Railway Police, Haryana. Hence, on this ground, reversion in

the present case was stayed and the petitioner had continued to work as ASI for the last 20 years. The reversion order is being set aside. Keeping in view the fact that the promotion had been made against existing vacancy, no further directions are required to be given to the respondents to examine the case of availability of the vacancies as in the case of Inder Singh.

This writ petition is disposed of accordingly.

April 22, 2016
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(RITU BAHRI)
JUDGE