

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

**CWP No.17075 of 2005
Date of decision: 9.6.2016**

Satnam Singh ... Petitioner

Versus

State of Punjab & ors. ... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. DK Bhatti, Advocate,
for the petitioner.

Mr. Rajinder Goyal, Addl.A.G., Punjab.

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

RAJIV NARAIN RAINA, J.(Oral)

The parent police district of the petitioner is Sangrur from where his seniority has to be reckoned as Head Constable. He was brought in C-I list after qualifying the Lower School Course on April 1, 1987. The petitioner came to Ludhiana District by way of mutual transfer with Head Constable Surjan Singh. With the mutual transfer, there will be resultant loss of seniority in District Ludhiana in the cadre of Head Constables by virtue of request made which is not based on administrative grounds. The grievance of the petitioner is that respondents No.5 to 12 were lower in merit in the result of the Lower School Course than the petitioner, while the names of respondents No.13 to 41 were brought in C-I list on October 1, 1987 whereas respondents No.42 to 45 were brought in C-I list on April 1, 1988, but still the petitioner's name was not sent to the Intermediate School Course, which

made him ineligible for promotion to the next higher post of Assistant Sub Inspector of Police. Rule 13.8 of the Punjab Police Rules, 1934 makes promotion to further post based on merit determined in the Lower School Course. However, Rule 12.1 prescribes that seniority of Constables and Head Constables will be maintained district-wise. Respondents No.5 to 45 belong to District Police Ludhiana and have earned their seniority by dint of continuous service in their parent district in the district-wise cadre. Therefore, the petitioner cannot make a legitimate grievance and be heard to say that mere merit or prior clearance of the Lower School Course for List C-I will make him senior to the private respondents. Thus, there was no error in the Police Department decision in not sending the name of the petitioner for the Intermediate School Course on his own seniority in district police Ludhiana downgraded due to loss of seniority on mutual transfer. However, when the petitioner's turn came in 2007 with seniority measured from the date of mutual transfer in the District Ludhiana then he was deputed to undergo the Intermediate School Course. It transpires that the petitioner also cleared his further Upper School Course in 2014 and has been promoted to higher rank. Mr. Bhatti relies on the Full Bench decision of this Court in Ram Chander & ors. v. State of Haryana & ors., 2015(1) SCT 520, to contend that under Rule 13.9 of the Punjab Police Rules, Head Constables should be deputed to the Intermediate School Course on the basis of continuous length of service in List-D without taking into consideration the date of confirmation. The dictum of Full Bench does not apply to this case which deals with different principles of

seniority and the case is, therefore, distinguishable on facts. I therefore, find no reason to interfere in this matter and would dismiss the petition.

Petition is dismissed.

(RAJIV NARAIN RAINA)
JUDGE

9.6.2016
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