

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 20298 of 2012
Date of Decision : 06.12.2016

Shamsher Singh

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Pankaj Jain, Advocate for the petitioner.

Mr. Harish Rathee, Senior Deputy Advocate General, Haryana.

Anupinder Singh Grewal, J.(Oral)

The petitioner is seeking direction to the respondents to promote him on the post of Deputy Superintendent of Police on the basis of Seniority-cum-Merit from the date, when his junior, namely, Sumer Singh, had been promoted.

The petitioner was appointed as Constable in the Haryana Police on 01.04.1976. He was promoted as Head Constable on 11.6.1984 and as Assistant Sub Inspector w.e.f. 25.11.1986 on ad-hoc basis. However, he was reverted as Sub Inspector on 17.10.1996 but was again promoted as Sub Inspector on 02.10.1999 and as Inspector on 08.01.2000 on adhoc basis while on deputation in CID against vacancy of CID. Thereafter vide order dated 30.10.2006 (Annexure P-2) promotion of the petitioner as Inspector was withdrawn by the respondents. The order dated 30.10.2006 (Annexure P-2) was challenged by the petitioner by preferring a civil suit, which was decreed in his favour vide judgment and decree dated 30.04.2012. The

appeal preferred thereagainst by the respondents was dismissed on 23.11.2012 on the ground of delay. The respondents preferred Civil Revision No. 2303 of 2013, wherein a co-ordinate Bench of this Court vide judgment dated 20.10.2016 while setting-aside the order dated 23.11.2012, directed the Appellate Court to decide the appeal filed by the respondents on merits within a period of two months from the date of appearance of the parties before it.

It is, thus, apparent that the matter pertaining to the promotion of the petitioner to the post of Inspector is pending adjudication before the Appellate Court. Until and unless the issue of the petitioner's promotion as Inspector is determined, he would not be entitled for consideration for the post of Deputy Superintendent of Police.

Therefore, the instant petition for issuance of directions to the respondents to consider the petitioner for promotion as Deputy Superintendent of Police is not maintainable at this stage and such directions are uncalled for. However, after the issue of the petitioner's promotion as Inspector is settled, it shall be open to the petitioner to represent to the respondents for consideration for promotion to the post of Deputy Superintendent of Police from the date, when his junior, namely, Sumer Singh has been promoted.

The petition stands disposed of accordingly.

December 06, 2016.

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**(ANUPINDER SINGH GREWAL)
JUDGE**

Whether speaking/reasoned? Yes

Whether reportable? No