

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CWP No.15201 of 2016

Date of Decision:-01.08.2016

Gurcharan Singh.

.....Petitioner.

Versus

State of Punjab & Ors.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. S.K. Chawla, Advocate for the Petitioner.

JASWANT SINGH, J.(ORAL)

The petitioner stands retired on attaining the age of superannuation on 28.02.2003 from the rank of Inspector from the Punjab Police.

Challenge is laid to a speaking order dated 17.08.2013 (P-3) passed by respondents whereby his claim for counting of the period w.e.f. 09.11.1971 till 31.03.1975 as officiating Head Constable with Police Training Centre (PTC), Phillaur towards his seniority in the rank of Head Constable has been declined.

Learned Counsel for the petitioner submits that the impugned orders suffers from non application of mind as the claim has been rejected only on the basis that a similar claim had been earlier rejected by higher officers.

After hearing learned Counsel for the petitioner at length, no

case for interference is made out as the petition is totally devoid of any merit. Perusal of the speaking order reveals that the petitioner has been seeking similar relief at different points of time from different offices, which was rightly declined. It is not in dispute that the petitioner was initially recruited as Constable on 08.05.1965 with the 36th Battalion at Bahadur Garh, Patiala, which remained as parent unit. He was deputed as Drill Instructor at the Police Training Centre, Phillaur and was promoted as officiating Head Constable by the Principal of the Centre w.e.f. 09.11.1971 till 31.03.1975 (perhaps as a incentive). As regards his parent unit is concerned, on passing of the lower school course he was promoted as Head Constable on w.e.f. 01.04.1975. Thus the period of fortuitous appointment as officiating Head Constable by the Principal, PTC for the period 09.11.1971 to 31.03.1975, without passing of the statutory requirement of passing lower school course, cannot legally count towards his seniority in the substantive capacity of Head Constable and the claim has been rightly declined vide the speaking orders.

In view of the above, finding no merit in the present petition the same is hereby dismissed.

(JASWANT SINGH)
JUDGE

August 01, 2016
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<i>Whether speaking/reasoned</i>	<i>Yes / No</i>
<i>Whether Reportable</i>	<i>Yes / No</i>