

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

LPA No.1157 of 2014 (O&M)

Date of Decision: 23.8.2016

Sat Paul and others

..Appellants

Vs.

State of Punjab and others

..Respondents

**CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR.JUSTICE SUDIP AHLUWALIA**

Present: Mr.G.S.Mann, Advocate and
Mr.L.S.Bhullar, Advocate for the appellants.
Mr.Rajesh Bhardwaj, Addl.AG Punjab.

SURYA KANT, J.

The instant letter patent appeal assails the order dated 28.5.2014 whereby the writ petition filed by the appellants in the year 1992, making a grievance against their non inclusion for the Intermediate Upper School Course, has been dismissed. Learned Single Judge has held that since the appellants were working as ad hoc or officiating Head Constables and were not confirmed, their claim for deployment to the Intermediate Upper School course is misconceived.

We have heard learned counsel for the parties at a considerable length.

Out of three appellants, two have already retired from service but that would not affect their claim for retrospective promotion.

The question that arises for consideration is whether the

appellants have been denied admission to Intermediate Upper School Course arbitrarily on pick and choose basis and whether any person junior to them as alleged, was sent to such promotional course? Since the appellants have placed reliance on the communication dated 8.10.1991 (Annexure P-1), it would be useful to reproduce para 2 of it, which reads as under:

“The following Head Constables are eligible to undergo the Intermediate School course commenced w.e.f. 1.10.91 at PTC/Phillaur:-

1. HC Phulla Singh 710/HPR
2. HC Kulwant Singh 130/GSP
3. HC Jaspal Singh 506/ASR

The following Head Constables if have taken benefit of their positions earlier are not eligible to undergo the above said course:-

1. HC Harjodh Singh HPR
2. HC Satpal Singh 716/GSP
3. HC Santokh Singh 315/GSP

The following Head Constables are not eligible to undergo the above said course:-

1. HC Jasbir Singh 856/HPR
2. HC Iqbal Singh 213/HPR
3. HC Karnail Singh 929/HPR
4. HC Jarnail Singh 74/Jall”

[emphasis by us]

It may be seen that name of appellant No.2 (Palwinder ingh) does not figure in the aforesaid document. As regard to appellants No.1 and 3, their names have been included in Part II amongst those Head Constables, who, if they had not taken benefit of their positions earlier, then only were eligible to undergo the Intermediate Upper School Course. Insertion of their names, in our considered view, does not imply their selection for the

Intermediate Upper School Course. If this document pertains to the Head Constables who were promoted under the sports quota, it simply means that all those Head Constables, had already taken the benefit as sports persons and were thus not entitled to seek 2nd benefit in sports category for admission to Intermediate Upper School Course. The appellants were concededly given out of turn promotion as officiating Head Constables in 'sports quota'. It is thus questionable as to whether they are entitled to seek their admission to Intermediate Upper School Course on the basis of same sports activities?

We now revert to yet another question, namely, are the appellants entitled to be deployed for promotional course as per their range seniority? It is not in dispute that appellants belong to Gurdaspur Range and no Head Constable junior to them in that range has been sent for Intermediate Upper School Course. In the memo dated 8.10.1991 (Annexure P-1) a part of which has been reproduced above, only HC Kulwant Singh of Gurdaspur Range was selected but he was senior to the appellants. That being the State of affairs, we do not find any merit in this appeal, which is accordingly dismissed but on the grounds other than those assigned by the learned Single Judge.

(SURYA KANT)
JUDGE

(SUDIP AHLUWALIA)
JUDGE

23.8.2016
Meenu

Whether speaking/reasoned	-	Yes/No
Whether Reportable	-	Yes/No