

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA
AT CHANDIGARH

LPA No.1202 of 2014 (O&M)

Date of decision: April 26, 2016.

Ram Bhaj

... Appellant

v.

State of Haryana and others

... Respondents

CORAM: **HON'BLE MR. JUSTICE SURYA KANT**
HON'BLE MR. JUSTICE A.B. CHAUDHARI

Present: Shri Girish Agnihotri, Senior Advocate with
Shri Bhuwan Vats, Advocate for the appellant.

Shri Vishal Garg, Additional Advocate General, Haryana.

1. *Whether Reporters of local papers may be allowed to see the judgment ?*
2. *Whether to be referred to the Reporters or not ?*
3. *Whether the judgment should be reported in the Digest?*

Surya Kant, J. (Oral):

In this appeal under Clause X of the Letters Patent, the appellant assails the order dated 26.3.2014 whereby the learned Single Judge has dismissed his writ petition in *limni* with a reasoned order. In the writ petition, the petitioner had challenged the order dated 6.1.2014 passed by the Inspector General of Police, Rohtak Range, whereby the claim of the appellant for regularization of his ad hoc promotion was turned down.

Since we are inclined to remit the case to the learned Single Judge for a fresh adjudication after calling for the records, it is not necessary to delve into the merits of the case. Suffice to mention that the appellant was promoted as an Assistant Sub Inspector (ASI) on ad hoc basis on 8th March, 1989 on account of his outstanding performance during the

days of terrorism. The ad hoc promotion was sought to be withdrawn, and such an action of the authorities was challenged by him before this Court in CWP No.7799/1991. Operation of the order was stayed and the appellant continued to hold the rank of ASI. There might have been the occasions meanwhile for him to be considered for regular promotion but the fact remains that he continued to hold the said promotional rank till his writ petition was rendered infructuous on withdrawal of the reversion order on 25th July, 2011. The appellant thereafter retired from service on attaining the age of superannuation in the year 2013. Thus, he held the rank of ASI from 1989 till he retired from service in the year 2013. In these circumstances, the question that requires determination is, whether the authorities can be allowed to say that his promotion was ad hoc or he was not entitled to hold the promotional post? This question, in our considered view, can be effectively answered by summoning the service record of the appellant as well as several other personnel to whom the authorities have granted promotions on pick and choose basis. The equally important question for determination would be, whether the authorities have acted uniformly and in a non-discriminatory manner in the matter of granting promotions to those who performed the acts of bravery, etc.? The observations made by this Court in the order dated 23.2.2015 in LPA No.445 of 2014 are vital and truly relevant for determination of such question.

For the reasons afore-stated, we allow this appeal and set aside the order under appeal, dated 26.3.2014 and remit the case to the learned Single Judge for fresh adjudication, after taking written statement from the respondents.

The parties are directed to appear before the learned Single Judge on 23.5.2016.

[Surya Kant]
Judge

April 26, 2016.
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[A.B. Chaudhari]
Judge