

In the High Court of Punjab and Haryana at Chandigarh

Regular Second Appeal No. 1314 of 2015
Date of Decision: 02.2.2016.

Ranbir Singh

.....Appellant

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. R.S.Mamli, Advocate
for the appellant.

SABINA, J.

Appellant-plaintiff had filed suit for declaration that he was entitled to be promoted as Deputy Superintendent of Police prior to the date on which his juniors had been promoted.

Case of the appellant, in brief, was that he had joined the service of Police Department and was promoted as Assistant Sub Inspector on 8.2.1986. Kailash Chand was promoted as Assistant Sub Inspector on 28.9.1987 whereas Rajesh Kumar was appointed as Assistant Sub Inspector on 22.4.1989. Appellant being senior to Kailash Chand and Rajesh Kumar, was liable to be promoted as Deputy Superintendent of Police prior to the said persons. However, Kailash Chand and Rajesh Kumar were promoted as Deputy Superintendent of Police but the case of the appellant was not considered for promotion.

Defendants, in their written statement, denied the fact that Rajesh Kumar and Kailash Chand were junior to the appellant. It was averred that for promotion to the post of Deputy

Superintendent of Police, seniority list as per gradation list of Inspectors was to be considered and not the gradation/seniority list of Assistant Sub Inspectors. As per the gradation list of Inspectors issued on 1.4.2002, Inspector Rajesh Kumar and Kailash Chand were brought on promotion list 'F' with effect from 29.7.1999 and were promoted as Inspectors with effect from 6.6.2000 and 13.12.2000 respectively and their names were at Serial Nos. 281 and 294 respectively whereas appellant was brought on promotion list 'F' with effect from 27.7.2001 and was promoted as Inspector with effect from 12.11.2001 and his name appeared at Serial No. 414. Therefore, appellant was junior to Inspectors Rajesh Kumar and Kailash Chand.

On the pleadings of the parties, following issues were framed by the Trial Court:-

- “1. Whether the plaintiff is entitled to a decree for declaration with consequential relief of mandatory injunction as prayed for ? OPP*
- 2. Whether the plaintiff has no cause of action to file and maintain the present suit ? OPD*
- 3. Whether the plaintiff is estopped by his own act and conduct to file the present suit ? OPD*
- 4. Whether the present suit is not maintainable in the present form ? OPD*
- 5. Relief.”*

Suit filed by the appellant-plaintiff was dismissed by the Trial Court vide judgment/decreed dated 21.8.2014. Aggrieved against the said judgment and decree, appellant preferred an appeal and the same was dismissed by the First Appellate Court

vide judgment/decreed dated 14.11.2014. Hence, the present appeal by appellant-plaintiff.

I have heard the learned counsel for the appellant and have gone through the record available on the file carefully.

The Courts below after going through the evidence led by the parties on record have held that as per the gradation list of Inspectors Exhibit D-1 as it stood on 1.1.2008, name of Rajesh Kumar appeared at Serial No. 61 whereas name of Kailash Chand appeared at Serial No. 69 and the name of the appellant was appeared at Serial No. 107. Thus, as per the gradation list Exhibit D-1 of Inspectors, Rajesh Kumar and Kailash Chand were much senior to the appellant. Since the appellant was junior to Rajesh Kumar and Kailash Chand, the Courts below rightly held that the relief claimed by the appellant could not be granted.

No substantial question of law arises in this case warranting interference by this Court.

Dismissed.

**(SABINA)
JUDGE**

February 02, 2016
Gurpreet