

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

COCF No.327 of 2016 (O&M)

Date of decision : 09.11.2017

Karam Singh

.....Petitioner

Versus

Jagpal Singh and others

...Respondents

CORAM : HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present : Mr. Ravi Sharma, Advocate for the petitioner.

Mr. Navdeep Chhabra, DAG, Punjab.

* * *

DAYA CHAUDHARY, J. (Oral)

Petitioner has approached this Court by way of filing the present contempt petition for non-compliance of order dated 30.11.2016 passed in LPA No.531 of 2001. In pursuance of order dated 30.11.2016, the respondent-authorities have passed order dated 12.03.2008 (Annexure P-3). The relevant portion of the same is reproduced as under : -

“Consequently, Karam Singh No.499/W is hereby granted the deemed date of appointment as Constable Technician w.e.f. 23.03.1972, as well as promotions as Head Constable w.e.f. 01.07.1973, as ASI w.e.f. 17.11.1979 and as Sub-Inspector w.e.f. 17.03.1986. He is also granted the deemed date of list 'F' w.e.f. 20.08.1991 as earlier approved by the DGP Punjab vide memo No.30582/E-1, dated 10.09.1993 subject to the decision of the Hon'ble Supreme Court of India in the SLP/C 23566 of 2007 filed by the department on behalf of the State.”

Learned counsel for the petitioner submits that the petitioner has

not been granted benefit of notional promotion to the post of Deputy Superintendent of Police whereas on perusal of said order passed in the LPA the relief has been granted from the deemed date of appointment as Constable Technical w.e.f. 23.03.1972 as well as promotion as Head Constable w.e.f. 01.07.1973 and as ASI w.e.f. 17.11.1979 and Sub Inspector w.e.f. 17.03.1986. He has already been granted deemed promotion on said posts but he is claiming deemed promotion on the post of Deputy Superintendent of Police. The said speaking order has not been conveyed to the petitioner so far and he is not aware as to how his claim has been declined, whereas he is entitled for consequential benefit including the deemed date of promotion as Deputy Superintendent of Police.

Learned counsel for the respondents submits that the petitioner has not been found eligible to be notionally promoted to the post of Deputy Superintendent of Police, as he has not passed the Technical Grade-III Course and a speaking order in this regard has also been passed.

No ground is made out to initiate contempt proceedings as there was no direction to grant deemed date of promotion on the post of Deputy Superintendent of Police.

Accordingly, the contempt petition is disposed of. However, the respondents are directed to convey the order to the petitioner, whereby his claim has been rejected, if not already conveyed. Petitioner is also at liberty to avail the appropriate remedy.

09.11.2017

sunil yadav

**(DAYA CHAUDHARY)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No