

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

CWP No. 12977 of 2017
Date of decision: 20.07.2017

Sub Inspector Krishna Devi RR/2

....Petitioner(s)

Versus

State of Haryana and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Mr. S.N. Yadav, Advocate, for the petitioner.

G.S.SANDHAWALIA, J. (Oral)

The petitioner seeks deemed promotion as Inspector and further promotion to the post of DSP at par with her junior.

It is not disputed that the representation dated 25.02.2017 (Annexure P-5) in this regard is already pending consideration. It is the case of the petitioner that the order of reversion from the post of Sub Inspector to that of Assistant Sub Inspector passed by the SP was set aside by the Inspector General of Police and recommendation was made for promotion on the strength of which he is seeking the said benefit.

It is the case of the petitioner that the order of respondent no. 3- The Inspector General of Police, Rohtak dated 18.10.2013 (Annexure P-2) had been set aside by the DGP on 04.06.2015 (Annexure P-3) and the subsequent order passed by the DGP has been set aside by this Court on 20.02.2017 and, therefore, he prays for the benefits on the strength of the said order passed by respondent no. 3.

Notice of motion.

Ms. Shruti Jain Goyal, AAG, Haryana accepts notice. Copy of the writ petition has been supplied to her. She submits that a perusal of the order dated 20.02.2017 (Annexure P-4) passed by this Court in the case of

the petitioner in CWP No. 12631 of 2015 would show that this Court had taken into consideration the fact that the promotion order given to the petitioner was by respondent no. 3 and, therefore, the appointing authority to the post of Sub Inspector is Inspector General of Police, Rohtak Range, Rohtak. The confirmation had also been done by the said officer and in such circumstances, it was held that the Superintendent of Police had no authority to impose the penalty of reversion. It is accordingly submitted that once on the issue of jurisdiction, the initial order of reversion dated 30.10.2006 passed by the SP has been set aside, any observations made by respondent no. 3 while deciding the appeal would not now be liable to be considered as the order of reversion itself was held to be without jurisdiction.

Without commenting on the merits of the case or the entitlement of the petitioner as such and considering the fact that the petitioner's reversion has been set aside and she has put forth her claim for promotion which is stated to be on the ground that juniors have been promoted. Accordingly, the present writ petition is disposed of with direction to respondent no. 2 to consider her case as per her entitlement for promotion as Inspector and DSP and take a decision on the said legal notice dated 25.02.2017 (Annexure P-5) within a period of 3 months from the date of receipt of certified copy of the order. Needless to say if the benefit is to be declined, a reasoned order be passed and the same be conveyed to the petitioner.

20.07.2017
shivani

(G.S. SANDHAWALIA)
JUDGE

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No

