

Sr. No.254

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CWP No.2999 of 2015 (O&M)

Date of Decision:28.11.2017

Amarjit Singh

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. I.D.Singla, Advocate,
for the petitioner.

Ms. Monica Chhibber Sharma, Sr. DAG, Punjab.

TEJINDER SINGH DHINDSA, J.(ORAL)

Challenge in the instant petition is to the order dated 01.10.2014 (Annexure P-4) passed by the Commissioner of Police, Jalandhar and whereby claim of the petitioner seeking promotion from the post of Constable to Head Constable has been declined.

Further prayer is for issuance of a writ of mandamus directing the respondents to promote the petitioner as Head Constable from the date juniors to him have been so promoted in terms of list C-2 envisaged under Rule 13.8 of the Punjab Police Rules.

Counsel for the parties have been heard at length and the pleadings on record have been perused.

Rule 13.8 of the Punjab Police Rules would be relevant for the controversy in hand and is reproduced hereunder:

“Rule 13.8 of Punjab

*13.8.List C. Promotion to Head Constable-(1) In each district
a list shall be maintained in card index form (form 13.8(1)
of all constables who have passed the Lower School Course*

at Phillaur and are considered eligible for promotion to Head Constable. A card shall be prepared for each Constable admitted to the list and shall contain his marking under sub-Rule 13.5(2) and notes by the Superintendent himself, or furnished by Gazetted Officers under whom the Constable has worked, on his qualifications and character. The list shall be kept confidentially by the Superintendent and shall be scrutinized and approved by the Deputy Inspector General of Police at his annual inspection.

*(2) Promotions to Head Constable shall be made in accordance with the Principle described in sub-rules 13.1 (1) and (2). The date of admission of List C shall not be material, but the order of merit in which examinations have been passed shall be taken into consideration in comparing qualifications. In case where other disqualifications are equal, seniority in the police force shall be the deciding factor. **Selection grade Constable who have not passed the Lower School Course at the Police Training School, but are otherwise considered suitable may, with the approval of the Deputy Inspector General, be promoted to Head Constable up to a maximum of ten per cent of vacancies.***

Concededly petitioner never appeared for the Lower School Course and is claiming promotion as an Exemptee Constable.

Under Rule 13.8 (2) there is a provision for promotion of a Constable who has not passed the Lower School Course to the post of Head Constable up to a maximum of 10% of the vacancies subject to suitability having been adjudged and with the approval of the Deputy Inspector General. For such purpose list C-2 is maintained under Rule 13.8 (2) of the Exemptee Constables and who are otherwise suitable for promotion to the post of Head Constable.

Mr. I.D.Singla, learned counsel representing the petitioner does

figure in list C-2 that had been prepared at the hands of the competent authority.

That apart perusal of the impugned order dated 01.10.2014 (Annexure P-4), rejecting the claim of the petitioner for promotion to the post of Constable would reveal that the petitioner had been awarded two major penalties i.e. two years forfeiture of service vide order dated 28.03.1988 on account of absence from duty and one year forfeiture of service vide order dated 29.05.1988 again on account of absence from duty.

Clearly the impugned order reflects the decision of the competent authority in not having adjudged the petitioner as suitable for promotion so as to find a place in list 2 under Rule 13.8 (2) of the Punjab Police Rules, 1934.

The imposition of the two aforesaid major punishments is not disputed by the counsel representing the petitioner.

Under such circumstances, there would be no basis for this Court to record a different opinion as regards suitability of the petitioner for being considered for promotion to the post of Head Constable as an Exemptee Constable.

No infirmity is found in the impugned order dated 01.10.2014 (Annexure P-4).

Writ petition is, accordingly, dismissed.

28.11.2017

vandana

(TEJINDER SINGH DHINDSA)
JUDGE

Whether speaking/reasoned

Yes

Whether Reportable

No