

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

LPA No.171 of 2017 (O&M)

Date of Decision: 06.02.2017

State of Haryana & Ors.

... Appellants

VS.

SI Satyavir Singh

... Respondent

LPA No.172 of 2017 (O&M)

State of Haryana & Ors.

... Appellants

VS.

Officiating Sub Inspector Satyavir Singh

... Respondent

CORAM: HON'BLE MR.JUSTICE SURYA KANT

HON'BLE MR.JUSTICE SUDIP AHLUWALIA

Present: Mr. Deepak Balyan, Addl. AG Haryana

SURYA KANT, J. (Oral)

(1) This order shall dispose of LPA Nos.171 & 172 of 2017 as both the appeals have been preferred by State of Haryana against the common order dated 13.01.2016 vide which two writ petitions filed by the respondents have been disposed of by the learned Single Judge. While in CWP No.10659 of 1994, the petitioner challenged the inaction of non-regularizing his promotion as Assistant Sub Inspector, in CWP No.14978 of 1994, he sought quashing of the adverse remarks recorded in his Annual Confidential Report as well as the order rejecting representation against the same.

(2) The facts are like this.

(3) The respondent was recruited as a Constable in Haryana Police on 29.03.1975. He stood first in the Basic Recruit Course in 1975. He was brought on List 'C' on 18.03.1981 and confirmed as Head Constable in the parent cadre i.e. HAP range on 31.08.1985. Thereafter, the respondent was taken on deputation to Police Training College, Madhuban where he underwent the Intermediate School Course, though out-of-turn against the seat allocated for

Course, the respondent's name was entered into List 'D' on 05.11.1986 and he was consequently promoted as Assistant Sub Inspector on 15.12.1986. The respondent's name was entered in List 'E' w.e.f. 26.07.1990 and he was promoted as Sub Inspector on 27.07.1990 and confirmed on 31.01.1991. Thereafter, the authorities are claimed to have detected mistake in deputing the respondent to Intermediate School Course against the quota of Police Training College, Madhuban as, according to the appellants, the respondent being a deputationist was not entitled to be sent to that Course. Show cause notice etc. were issued and vide order dated 01.08.1994 (P11), the date of promotion of the respondent was postponed to 02.06.1992. The confirmation order of the respondent as SI was withdrawn and he was reverted to the rank of ASI. Aggrieved, the respondent approached this Court by way of a writ petition which has been allowed by learned Single Judge vide order appeal.

(4) Similarly, the respondent was conveyed adverse remarks for the period from 28.11.1992 to 31.03.1993 against which his representation was turned down by DIG Rohtak, Range vide order dated 07.12.1993. The respondent filed the 2nd writ petition i.e. CWP No.14978 of 1994 challenging those adverse remarks which too has been decided vide order appeal.

(5) Since the operation of the order under challenge (Annexure P8) was stayed while admitting the writ petition, the respondent continued to retain the rank of ASI/SI and was further promoted to the rank of Dy.SP during the pendency of the writ petition. He has already retired from service.

(6) The short question that arose for consideration of learned Single Judge was whether the promotion granted to the respondent as ASI on the basis of Intermediate School Course undergone by him while he was on deputation to PTC, Madhuban deserved to be regularized?

(7) Learned Single Judge has held in favour of respondent as two other ASIs, namely, ASI Rajbir Singh and ASI Anoop Singh, who were stated to be similarly-placed, were granted such benefit. Learned Single Judge has thus viewed that the respondent has been subjected to discrimination.

(8) Having heard learned State counsel and keeping in view the fact that the respondent enjoyed the seniority benefit throughout and has meanwhile retired from service and there appears to be hardly any impact on the monetary benefits which the respondent has been granted after retirement, we are not inclined to interfere with the order under appeal.

(9) Moreover, the respondent cannot be entirely blamed for undergoing Intermediate School Course as he was deputed to such Course by the superior authorities and subsequently he was granted promotion and confirmed as ASI and then as Sub Inspector without raising any question on his claim. The appellant-authorities are thus equally responsible for the alleged mistake and it was too late for them to rectify the same.

(10) For the reasons afore-stated, we do not find any merit in these appeals and the same are accordingly dismissed.

(Surya Kant)
Judge

06.02.2017
vishal shonkar

(Sudip Ahluwalia)
Judge

1. *Whether speaking/reasoned?*
2. *Whether reportable?*

Yes
No