

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Letters Patent Appeal No.30 of 2017 (O&M)

Date of Decision: March 17, 2017

Piara Singh

.....Appellant

versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE RAMENDRA JAIN.

Present: Mr.Maneesh Kumar Bali, Advocate, for the appellant.

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Surya Kant, J. (Oral)

This intra-court appeal assails the order dated 30.11.2016 vide which the learned Single Judge has turned down the appellant's claim for promotion to the rank of Deputy Superintendent of Police.

[2] The facts are not in dispute. The appellant was serving as Inspector in Punjab Police and he was due for retirement w.e.f. 31.12.2005. Before his retirement, meeting of the Departmental Promotion Committee (for short, 'DPC') was held on 23.12.2005 in which his name was recommended for promotion to the rank of Deputy Superintendent of Police. However, the official procedure took some time and the recommendations made by the DPC for promotion were accepted on 09.01.2006 followed by promotion order on the next day, i.e., 10.01.2006 in which name of the appellant did not figure for the reason that he had meanwhile retired from service. The appellant is said to have made a representation in November, 2006 and then in the year 2009.

[3] The appellant filed the instant writ petition in the year 2016 claiming that since his juniors were promoted after his retirement, he too was entitled for promotion to the rank of Deputy Superintendent of Police from the date the DPC was held on 23.12.2005. Learned Single Judge has turned down such a claim primarily on the ground of inordinate delay of almost 11 years as well as on merits.

[4] We have heard learned counsel for the appellant and gone through the record.

[5] The question which falls for consideration is whether the Competent Authority is obligated to implement the recommendations of the DPC from the date its meeting was held?

[6] In our considered view, the question formulated herein-above has to be answered with reference to either a provision in the statutory rules or Government Instructions.

[7] There is no rule or instructions cited on behalf of the appellant whereunder it was imperative upon the Competent Authority to give effect to the recommendations made by the DPC from the date its meeting was held.

[8] Ordinarily the promotion takes place from the date the Competent Authority takes a decision, save where a person is entitled to be promoted retrospectively for some valid reason.

[9] In the instant case, it is not the appellant's case that anyone junior to him was promoted to the rank of Deputy Superintendent of Police before 31.12.2005. The fact that a person junior to the appellant, while he was in service, got promotion after the appellant's retirement cannot be said to have violated the doctrine of equality qua the appellant who was no more

in service and could not have been considered for promotion.

[10] No case to interfere with the order under appeal is made out.

[11] Dismissed.

[SURYA KANT]
JUDGE

March 17, 2017
mohinder

[RAMENDRA JAIN]
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No