

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

CWP-2001-2013 (O&M)

Date of Decision: 26.10.2018.

Harjinder Singh

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM : Hon'ble Mr. Justice Jitendra Chauhan

Present : Mr. Manu K. Bhandari, Advocate,
for the petitioner.

Mr. Vikas Mohan Gupta, Addl. AG Punjab.

Respondent No.4 exparte.

None for respondent No.5.

JITENDRA CHAUHAN.J.

Through the instant civil writ petition, the petitioner *inter alia* seeks setting aside of the order dated 13.12.2012 (Annexure P-7) passed by respondent No.2 vide which the claim of the petitioner for promotion as Head Constable on regular basis was rejected.

It is contended that initially, the petitioner had joined Punjab Police Force as Constable on 04.04.1985. His name was put in list C-II (a list in which the persons are eligible for further promotion as Head Constable despite the fact that they have not passed the lower school course) on 29.03.1991. The petitioner being a footballer who had participated in various championships such as:-

“Football game

(1) XXXIII Punjab Police Football Games-Runner up. 1987

2) XXXII Patiala Range Police-Runner up 1987

3) XXXIV Patiala Range Police-Runner up 1990

1. Punjab State Games Football, Patiala 3rd 1987

2. Sepak Takraw Federation of India

(Affiliated to Asian Sepak Takraw Federation)

Fourth National Championship Calcutta, Participation-1989

3. Punjab State Football Championship Bassi Pathana-Runner up

4. Punjab Football Championship (Organized by Punjab Sports Department) Winners 1990

5. Punjab State Football Championship Bassi Pathana-Participate 1991

6. Punjab State Championship Distt. Football Association, Sangrur Sunam-Winner 1992”

The petitioner was issued certificates for his

participation in the football team from time to time. Vide order dated

12.05.1992 (Annexure P-2) the petitioner was promoted as Head

Constable on *adhoc* basis against 5% quota reserved for sports persons.

Certain Constables, who were in list C-1 (a list of Constables who had

passed the lower school course) were not being promoted on account of

the fact that the substantive posts of Head Constable were occupied

beyond the prescribed quota under Rule 13.8(2) of the Punjab Police

Rules. The aggrieved Head Constables approached this Court by way

of civil writ petitions in which directions were issued that the Head

Constables who were promoted in excess of their quota be reverted.

Thereafter, respondent No.3 passed order dated 11.09.1997 (Annexure

P-3) vide which 53 Head Constables were reverted. The petitioner

stood at Sr. 26 whereas private respondents were at sr. No. 31 and 41.

Thereafter, 207 posts of Head Constables were created for

accommodating reverted sports persons. As per the record, the

petitioner is senior to the private respondents but despite that his claim

was ignored whereas, Justin Sadiq and Janak Raj (private respondents)

were promoted as Head Constables.

On the other hand, learned counsel for the respondents states that it was decided by the Promotion Committee that performance of sports person at national level should be the criteria for considering their promotion. Some sports persons including the petitioner failed to report to the committee. In the absence of their record of performance, the necessary recommendations in such cases could not be made in their cases whereas, respondent Nos. 4 & 5 appeared before the committee directly and put up their claims. The committee examined the record of 287 sports persons and recommended 236 sports persons including 29 constables. 207 persons were promoted on the recommendation of the above said committee. Since the petitioner did not appear before the committee so he was not given promotion.

Heard.

It is to be noticed that the petitioner is a sports person and his achievements have been duly acknowledged. He was promoted on *ad hoc* basis along with private respondents. Thereafter, he was given ORP rank of Head Constable. The name of the petitioner stands at Sr.26 whereas, private respondents are at serial No. 31 and 41. Throughout the service career, the petitioner remained senior to the private respondents, therefore, the legitimate claim of the petitioner cannot be denied to him. The respondents have not furnished any

record that the petitioner was directed to appear before the Committee to claim promotion. Consequently, the present civil writ petition is allowed. The impugned order dated 13.12.2012 (Annexure P-7) is set aside. The respondents are directed to promote the petitioner against the posts created for sports persons along with all consequential benefits from the date his juniors have been promoted. The necessary exercise be done within a period of two months from the date of receipt of certified copy of the judgment.

26.10.2018.
SN

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No