

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

**CWP 29951/2017 (O&M)
Date of decision:08.01.2018**

LR/ASI Amarjit Singh No.605/KPT

.....Petitioner

v.

State of Punjab and others

.....Respondents

Coram: Hon'ble Mr.Justice Jaswant Singh

Present:- Mr.KS Sidhu,Advocate for the petitioner.

Jaswant Singh,J,(Oral).

The petitioner claims to have been enrolled as a Special Police Officer in the year 1992. He was enlisted as a Constable with the Punjab Police from the source of Special Police Officers in the year 1994. He is stated to have been deemed date of enrollment as Constable with retrospective effect i.e. 15.12.1992. He was promoted as officiating Head Constable w.e.f. 9.7.2003 alongwith award of a local rank as ASI. Since Constables like petitioner were promoted as officiating Head Constables by grant of of List C-II being beyond 10% quota, petitioner alongwith others was ordered to be reverted from the post of Head Constable vide impugned order dated 19.7.2006 (P-4). Petitioner laid challenge to the aforesaid order by filing CWP 13115/2006 which was disposed of vide order dated 24.8.2011, which reads as under:-

“(1)The petitioner is aggrieved by the action of the respondents who have sought to withdraw the local rank of Assistant Sub Inspector assigned to him.

(2)Learned counsel for the parties are ad idem that the

*present petition be disposed of in terms of the directions issued to the Officers' Committee constituted in **Ranjit Singh and Ors. V State of Punjab and Ors.(CWP No.566 of 2010)**, who in turn is directed to consider and dispose of the claim of the petitioner, in accordance with law.*

*(3) Ordered accordingly. **Dasti.***

In terms of the aforesaid directions dated 24.8.2011, the matter was considered by the Officers' Committee, who vide its recommendation dated 28.12.2012 recommended as under:-

“Recommendation of the Officer's Committee.

In view of the above, this Committee recommends the cases of the petitioners be reviewed for grant of local rank of ASI on a six monthly basis by the DGP, on the recommendation of the concerned authority, i.e. the officer under whose administrative control the petitioner is working.”

In compliance of the aforesaid recommendation an order dated 8.3.2013 (P-7) was passed and the petitioner was granted the extension on local rank as Assistant Sub Inspector. It transpires that the petitioner on completion of 16 years of service was promoted as Head Constable w.e.f. 16.7.2009.

Since the grievance of the petitioner for grant of promotion as Head Constable w.e.f. back date was not considered, he is stated to have filed an appeal dated 24.10.2013(P-8) which was rejected vide impugned order dated 16.12.2013(P-9). Petitioner is stated to have filed a Memorial against the order dated 19.7.2006 passed by SSP Kapurthala as well as order dated 16.12.2013 passed by DGP Punjab whereby the grant of promotion to the petitioner as officiating Head Constable with back date was declined.

Although, it is highly debatable as to whether a Memorial for such a relief would be maintainable, counsel for the petitioner on a specific query has

failed to point out the maintainability of such a Memorial.

After hearing counsel for the petitioner at length no ground for interference is made out. The impugned orders Annexures P-4 dated 19.7.2006 and P-9 dated 16.12.2013 were passed in the year 2006 and 2013 respectively and are barred by law of limitation and as such even a suit would not be maintainable, much less a writ petition. It is well settled that even in case of statutory appeal being maintainable and having been filed the writ jurisdiction has to be invoked not beyond one year in such cases.

In view of the above dismissed.

08.01.2018

joshi

(Jaswant Singh)

Judge

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No