

241
IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sanjiv Kumar Sharma
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LPA-567-2014 (O/M)
Date of decision : 20.7.2018

ASI Sudesh Kumar

..... Appellant

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE A.B. CHAUDHARI
HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Onkar Singh, Advocate,
for appellant.

Ms. Monica Chhibber Sharma, Senior DAG Punjab.

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A.B. CHAUDHARI, J. (ORAL)

This Letters Patent Appeal by the original petitioner is directed against order dated 24.2.2014, passed in Civil Writ Petition No. 3462 of 2014, by learned Single Judge of this Court.

The learned Single Judge gave the following reasons, while dismissing the writ petition :-

“ The contention of learned counsel for the petitioner that the petitioner is also similarly placed as are Avtar Singh and Kuljinder Singh is totally misconceived for the reasons that this Court is not sitting in appeal to judge the comparative merit in cases of different police officials, who were granted out of turn promotion and who have not been granted in terms of the policy of the Govt. The authorities have considered the cases and wherever it was found that the official deserves to be encouraged, the benefit has been granted. The principle of equality does not apply in such cases as each case has to be examined on its own facts. Merely because some other official has been granted the benefit, the petitioner cannot claim equality.”

The case of petitioner was that he was required to be given out of turn promotion like Avtar Singh, Inspector and Kuljinder Singh, Sub

Inspector, who were given out of turn promotion for the alleged act of bravery. However, the learned Single Judge, having recorded above reasons, held that it was not possible to apply any legal principle in the matter and the Court would not sit like appellate Court and substitute the view taken by the Government in such matters. We agree with the finding recorded by learned Single Judge in so far as petitioner is concerned that he cannot claim equality in such matters. The learned Single Judge, therefore, rightly did not entertain the petition and dismissed the same.

At the hearing of the present appeal, this Court had made an order dated 3.8.2015, asking the State of Punjab to identify any such police personnels, who were given undue benefit in the name of bravery and given out of turn promotions. In pursuance to the said order made by this Court, the State of Punjab had constituted a committee to look into the matter as this Court desired to have a report. The Committee went into all the details. The learned State counsel submits that an affidavit has been filed that such personnels have been identified and those who were not eligible, were brought down to substantive posts.

As a matter of fact, we agree that the controversy qua the Appellant only could be examined in this appeal. Nevertheless, the State has given a report of the Committee and we are satisfied with the same. In that view of the matter, letters patent appeal is dismissed. No order as to costs.

(A.B. CHAUDHARI)
JUDGE

(KULDIP SINGH)
JUDGE

20.7.2018
sjks