

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

**CWP No.17880 of 2016 (O&M).
Date of Decision: 24.07.2019**

Puran Singh

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present:- Ms. Avneet K. Brar, Advocate for
Mr. M.S. Saini, Advocate,
for the petitioners.

Ms. Anju Sharma Kaushik, DAG Punjab
assisted by ASI Raj Kumar, o/o SSP Amritsar.

JITENDRA CHAUHAN J.

Through the instant civil writ petition, the petitioner seeks direction to the respondents to grant him promotion in the Local rank of Assistant Sub-Inspector of Police.

The petitioner had joined the Punjab Police on 24.03.1993 as Constable and has been devotedly serving the department. In the month of July, 2014 the petitioner and his team of constables had successfully recovered important evidence regarding huge quantity of illegal drugs/narcotic substance and firearms from the possession of various suspects as noticed below:-

“From

The Sr. Superintendent of Police,
Amritsar (Rural)

To

The Deputy Inspector General of Police,
Border Range, Amritsar.
No. 27052/At dated 6.8.14.

Subject: Recommendations for promotion in lieu of excellent
work done in driver against Narcotic drugs.

Memo

It is submitted that following officials have actually acted and involved themselves at ground level in fight against the persons indulging in sale and purchase of drugs and with the tireless efforts of these officials District Police has managed to curb the Drug Traffickers from spreading intoxication and recovered 4 kg Heroin and one pistol in case FIR No. 96 dated 21.07.2014 u/S 21/61/85 NDPS Act, 25 Arms Act and case FIR No. 98 dated 26.07.2014 u/S 21/61/85 NDPS PS Bhindi Saiden.

Name of the official	Recommendation for promotion
PR/HC(C-II) Paramjit Singh 1301/ASR/Rural	Recommended for grant of local rank promotion as ASI
PR/HC (C-II) Tarsem Singh No. 242/ASR/Rural	Recommended for grant of local rank promotion as ASI
PR/HC Puran Singh 737/ASR/Rural	Recommended for grant of local rank promotion as ASI
PR/HC Kulwant Singh 1191/PTL	Recommended for grant of local rank promotion as ASI
PR/HC Jagjit Singh No.1568/ASR/Rural	Recommended for grant of local rank promotion as ASI

Keeping in view the above mentioned facts, it is strongly recommended that these officials may kindly be given promotions as recommended against their names, which will not only uplift and boost the morale of these officials, but will provide them inspiration to work with same zeal, devotion and dedication in future too.

Sr. Superintendent of Police,
Amritsar Rural”

These recoveries stand reflected in the letter dated
06.08.2014 (Annexure P-1).

In view of the aforementioned excellent work done by the petitioner along with other team members, respondent No.4 addressed a letter dated 06.08.2014 (Annexure P-1) to respondent No.3 recommending their names for promotion to the local rank of Assistant Sub-Inspector of Police. Later on, the petitioner came to know that except him, all the other Head Constables, who were recommended for promotion by respondent No.4, had been granted the promotion to the local rank of ASI. Thereafter, the petitioner addressed a representation

dated 21.11.2014 (Annexure P-2) to respondent No.2 detailing his achievement in registration of FIR No.98 dated 26.07.2014. Petitioner's name was again recommended by respondent No.4 to respondent No.3 after noticing that the petitioner had sincerely worked in curbing menace of drugs in District Amritsar and had played a vital role in recovery of 1 kg of heroin and 1 Pistol in FIR No. 96 dated 21.07.2014 and other criminal cases, vide letter dated 3.12.2014 (Annexure P-3). Respondent No.4 addressed another letter dated 19.12.2014 (Annexure P-4), to respondent No.3 appreciating the work done by the petitioner. Since the petitioner was not granted the benefit, his father addressed a letter dated 9.1.2015 (Annexure P-5 colly.) to respondent No.2 detailing the brave acts of the petitioner in nabbing dangerous suspects in respect of FIR No.98 and also submitted representation to respondent No.2 by personal visit. Thereafter, the petitioner addressed a representation dated 17.09.2015 (Annexure P-6 colly.) to respondent No.2 explaining the sequence of events. Meanwhile, the petitioner came across an internal official communication dated 25.9.2015 (Annexure P-7) between respondent Nos.2 and 3 wherein it had been mentioned that the case for grant of local rank of ASI to the petitioner had been entrusted to the office of respondent No.2. Petitioner also addressed letters dated 25.9.2015 (Annexure P-8 colly.) to respondent No.4 and Deputy Superintendent of Police, Punjab, in pursuance to which the petitioner again presented himself before respondent No.2 on 30.9.2015 vide Annexure P-9

seeking status of his promotion and representations in respect thereof. Petitioner finally addressed letter dated 20.11.2015 (Annexure P-10) to respondent No.2 seeking redressal of his grievance.

It is contended by the learned counsel for the petitioner that since out of five names recommended by the Senior Superintendent of Police, Amritsar (Rural), for promotion to local rank of ASI in the light of commendable work in curbing drug menace, other four persons have been granted the local rank of ASI, the petitioner also deserves to be granted the local rank of ASI and his name has been excluded without giving any reason. It is further argued that the petitioner ought to be granted the local rank of ASI from the date, the other four persons were recommended and to the exclusion of the petitioner.

On the other hand, the stand of respondent Nos.1 to 4 is that as per record, the petitioner joined the Punjab Police department on 24.3.1993 and is presently posted in Police District Amritsar. He has been promoted as PR/HC on 01.01.2010 on completion of 16 years service in the Local rank of Constable and will be promoted as Head Constable on his turn. The petitioner is claiming promotion to the Local Rank of ASI which being discretionary cannot be claimed as a matter of right. The case of the petitioner was referred to the Director General of Police, Punjab, Chandigarh, which was considered and filed by the office of DGP, Punjab, vide office letter dated 21.9.2015 (Annexure R-1). It was further pleaded that the case of the petitioner was reconsidered and rejected vide office Memo dated 23.2.2016

(Annexure R-2).

Heard.

The promotion claimed by the petitioner is for his contribution made towards controlling the menace of drugs, which is duly acknowledged by the respondents particularly in letter dated 06.08.2014 (Annexure P-1). Moreover, ASI Raj Kumar, office of SSP, Amritsar who is present in the Court states that the petitioner is an honest, hard working officer and enjoys a very good reputation in the department. Withholding of promotion of local rank of Assistant Sub-Inspector to such an employee particularly when the same has been allowed to other members of the team is a gross injustice to the petitioner which needs to be redressed. The case of the petitioner is clearly at par with the case of other ostical who finds mention in letter dated 06.08.2014 (Annexure P-1).

In view of above, the present civil writ petition is allowed. The respondents are directed to grant the promotion of local rank of Assistant Sub-Inspector of Police to the petitioner from the date when name of the petitioner was recommended at the first instance. The necessary exercise be completed within a period of two months from the date of receipt of certified copy of the judgment.

24.07.2019.

SN

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No