

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**CWP-9330-2020****Date of decision: 07.07.2020****Rajmohinder Singh****....Petitioner****V/s.****State of Punjab and others****.....Respondents****CORAM: HON'BLE MS. JUSTICE RITU BAHRI.**

Present: Mr. Rajinder Sharma, Advocate for the petitioner.

Ritu Bahri, J. (Oral)

The petitioner is seeking writ of certiorari for setting aside order dated 20.05.2020 (Annexure P-10) and order dated 10.06.2020 (Annexure P-11) passed by respondent No. 3-Commissioner of Police, Amritsar City whereby he has been restrained from wearing the uniform of Sub-Inspector.

A perusal of the order dated 20.05.2020 (Annexure P-10) shows that initially the petitioner-Rajmohinder Singh who was Head Constable (Local Rank ASI) was posted at Suvidha Centre, West, Amritsar City and he started to wear the uniform of the rank of Sub-Inspector without having any written order of the competent authority. A show cause notice dated 08.01.2015 was served upon him and he submitted his reply on 15.01.2015 which was considered and found unsatisfactory. Thereafter departmental enquiry dated 28.01.2015 was initiated against him and he was held guilty. A show cause notice dated 11.09.2015 alongwith the copy of findings of the departmental enquiry was served upon him for proposing punishment of dismissal from service. The petitioner submitted his reply to show cause notice which was considered and found unsatisfactory.

However by taking lenient view, instead of imposing punishment proposed in the show-cause notice, one year approved service of the petitioner was forfeited on permanent basis towards his annual increment vide office order dated 26.11.2015 (Annexure P-5; inadvertently the date of the order has been typed as 26.11.2016). The petitioner then filed an appeal against order dated 26.11.2015 before the Director General of Police, Law and Order, Punjab, Chandigarh. The appeal of the petitioner was accepted and his one year service was re-instated by setting aside order dated 26.11.2015 vide order dated 09.06.2016 (Annexure P-6).

Thereafter the petitioner filed a civil suit to restore the rank of Sub-Inspector keeping in view order dated 21.01.2015 passed by Director General of Police, Punjab, Chandigarh wherein his posting at Sanjh Kendar was mentioned with rank of Sub-Inspector. The civil suit was dismissed by observing that petitioner is drawing salary of the rank of Head Constable and has never been paid salary of ASI or SI and in the order dated 26.11.2015 (Annexure P-5), no written order regarding promotion of the petitioner to the post of Sub-Inspector was made. Keeping in view the judgment of civil Court, the Commissioner of Police, Amritsar City passed order dated 20.05.2020 (Annexure P-10) to ensure that the petitioner will wear the uniform of his original rank i.e. Head Constable (Local Rank ASI) and if he wears the uniform of the sub-inspector, then departmental/criminal action will be taken against him. The petitioner thereafter made another application for re-considering order dated 20.05.2020 (Annexure P-10) and the Commissioner of Police, Amritsar City vide order dated 10.06.2020 (Annexure P-11) restrained him from wearing the uniform of Sub-Inspector without written order of the competent authority.

On a specific query put to learned counsel for the petitioner, that whether any order of promotion to the post of ASI/SI was ever passed. He was not able to give reply as to on which date, the petitioner actually promoted to rank of ASI/SI.

After going through the contents of writ petition and the order dated 09.06.2016 (Annexure P-6) whereby the appeal of the petitioner was accepted and his one year service was re-instated by setting aside order dated 26.11.2015 (Annexure P-5), did not mention anything with respect to promotion to the post of Sub-Inspector. Even after passing order dated 09.06.2016 (Annexure P-6), the petitioner has not been promoted to the rank of Sub-Inspector till date.

Keeping in view that the petitioner is drawing salary of the rank of Head Constable, no case is made out to interfere in the order dated 20.05.2020 (Annexure P-10) and order dated 10.06.2020 (Annexure P-11) is made out.

Dismissed.

07.07.2020

Divyanshi

**RITU BAHRI
(JUDGE)**

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No