

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RSA No. 1275 of 2018 (O&M)

Date of Decision: 4.2.2020

Baljit Singh

...Petitioner

Vs.

State of Punjab through Collector and others

...Respondents

CORAM:- HON'BLE MR.JUSTICE RAJIV NARAIN RAINA

Present: Mr. Amandeep Singh Manaise, Advocate
for the appellant.

RAJIV NARAIN RAINA, J. (Oral)

CM No. 14256-C-2019

CM is allowed as prayed for.

Order dated 17.7.1998 is taken on record.

RSA-1275-2018

1. This appeal has to be dismissed for the following reasons:-
Firstly, the punishment order imposing forfeiture of 5 years of service for the purposes of annual grade increments is an order which is just and meet in the context of the gravity of the misconduct committed by the three policemen of which the appellant was one, in their acts of negligence while escorting a convict from Gurdaspur Jail to be lodged in a Jail in Tamil Nadu. The trio failed in their official duty of keeping the convict in their custody in constant check during the rail journey giving the convict an opportunity to jump out of the moving train making good his escape.

2. The trio were dealt with equally in the matter of charge sheet, departmental inquiry and punishment. This order was challenged in the suit by the appellant. There are two courts against the appellant holding the inquiry to be fair and proper and the punishment inflicted proportionate to the gravity of the misconduct. Any sort of interference is not warranted in the punishment order imposed after regular inquiry into the incident in which the appellant was given full opportunity of defence and found guilty. The departmental appeals failed to wash out the major punishment. I would not interfere with those findings as they appear to me to be sound and just.

3. Secondly, denying promotion to the appellant as Head Constable from List C-II is only a natural consequence of the punishment order since his name could not mature for promotion from the queue in List C-II before the punishment order was passed on 2.12.2002.

4. Indisputably, the name of the petitioner was entered in List C-II on 4.11.1997 when he qualified the test. But person qualifying the list does not possess right to automatic promotion which depends on vacancies. This list operates as an advance list of qualified probable candidates for promotion in future, if all things remain equal for eligibility purposes to be determined on the date of occurrence of vacancy. While he was waiting for a vacancy to arise as per his seniority to consider promotion cases by the police department from the

names in List C-II he had been imposed major punishment which made him ineligible for promotion. Denial of promotion in these circumstances was not unjustified.

5. Both these points are the only ones pressed in this second appeal and both stand rejected. The judgment in appeal does not suffer from any patent infirmity or error in reasoning. The decree of dismissal of suit is upheld.

6. No question of law, much less substantial, arises for determination in this second appeal.

7. The present appeal is dismissed.

(RAJIV NARAIN RAINA)
JUDGE

4.2.2020

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