

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-33017-2019

Date of decision: 13.03.2020

Jaswinder Singh

.....Petitioner

versus

State of Punjab and others

....Respondents

CWP-35165-2019

Rajinder Singh

.....Petitioner

versus

State of Punjab and others

....Respondents

CORAM: Hon'ble Mr. Justice Girish Agnihotri

Present: Mr. G.P.S. Bal, Advocate for the petitioner(s).

Mr. Rajesh Bhardwaj, Sr. DAG, Punjab.

GIRISH AGNIHOTRI, J. (Oral)

1. This order shall dispose of two writ petitions namely CWP Nos.33017 & 35165 of 2019. For ready reference, facts have been taken from CWP-33017-2019.

2. Petitioner-Jaswinder Singh has filed the present writ petition *inter alia* with a prayer to set aside the order dated 11.07.2018 (Annexure P-5), vide which the respondent-Department has declined the request/claim of the petitioner. The petitioner had claimed that he be considered and promoted as ASI and onwards by granting him appropriate dates of enlistment and

entries into list D,E & F accordingly.

3.
- Notice of motion in this case was issued on 25.11.2019.
4.
- Today, on resumed hearing of the case, reply on behalf of respondents No.1 to 3 has been filed by way of affidavit of Shri Rajbachan Singh Sandhu, PPS, Senior Superintendent of Police, Sri Muktsar Sahib. In Para 2 of preliminary submissions of the reply, it has been stated that the petitioner who is working as Head Constable, has claimed that he has not been given regular promotion, whereas, employees mentioned in the table have been given promotion. The petitioner has further alleged that the said employees are junior to him. Para 2 of preliminary submission of the reply is reproduced as under:-

“2. That it is submitted that the petitioner earlier filed a CWP No.8569 of 2018 in this Hon'ble High Court against the respondents for issuance of directions for promoting the petitioner to the rank of Head Constable. It was stated that the petitioner who is working as Head Constable, has not been given regular promotion whereas the following employees junior to him, were given promotion:-

Sr. No.	Name and No. of the employee	Date of joining service	Date for entry in C-2 List	Date of promotion to Head Constable Rank
1.	ASI/Local Rank Kala Singh No.420/SMS	10.01.1991	11.11.2011	25.11.2011
2.	ASI/Local Rank Paramvir Singh No.178/SMS	04.08.1986	24.12.2011	24.12.2011
3.	ASI/Local Rank Kulwant Singh No.100/SMS	16.11.1989	22.12.2011	22.12.2011
4.	ASI/Local Rank Gurmeet Singh No.297/SMS	29.06.1993	22.12.2011	22.12.2011

5.	ASI/Local Rank Surinder Singh No.42/SMS	03.09.1993	22.12.2011	22.12.2011
6.	ASI/Local Rank Kulwinder Singh No.275/SMS	22.06.1999	08.11.2011	22.12.2011
7.	D-2 Harbans Singh No.225/SMS	06.10.1989	22.07.2000	22.12.2011
8.	ASI/Local Rank Sukhwinder Singh No.182/SMS	16.08.1989	29.05.2000	22.11.2011
9.	SI Bikramjit Singh No.21/SMS	29.08.1989	04.02.2002	13.01.2003
10.	HC Mander Singh No.502/SMS	14.11.1989	22.11.2011	22.11.2011

This Hon'ble High Court disposed of the said CWP No.8569 of 2018 by passing the following order/directions dated 05.04.2018:-

In view of the above, without adverting to the merits of the case, the present petition is disposed of with a direction to respondent No.3- Senior Superintendent of Police, Sri Mukatsar Sahib, Punjab to consider and decide the representation dated nil (Annexure P-3) within six weeks from the receipt of the certified copy of the order. In case, on consideration, the competent authority reaches to the conclusion that the benefit claimed by the petitioner is admissible to him, in such eventuality, the consequential relief be allowed to him, within a period of six weeks thereafter. However, in case the competent authority feels that the relief claimed by the petitioner is not admissible to him or made out, in that case, a speaking order be passed in the matter.”

5. In Para 4 of preliminary submissions of the reply, it has been further pointed out that name of the petitioner was brought on promotion List C-II on 08.01.1999 and will be promoted as Head Constable as per his seniority.

6. Learned counsel for the petitioner submits that keeping in view

the aforementioned grievances, the Competent Authority may re-examine the issue and pass a speaking order in a time bound frame.

7. Without commenting upon merits of the case, this Court deems it appropriate to dispose of the present writ petitions with the following directions:-

- (i) The petitioner(s) may file a comprehensive representation within a period of two weeks from the date of receipt of certified copy of this order.*
- (ii) On receipt of the said representation, respondent No.2 is directed to decide the claim of the petitioner(s) within a period of three months from the date of receipt of representation submitted by the petitioner(s), by passing a speaking order.*
- (iii) In case, the petitioner(s) is found entitled for the relief, the consequential orders be passed within a period of one month thereof.*

8. Writ petitions are disposed of accordingly.

(GIRISH AGNIHOTRI)
JUDGE

13.03.2020

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Whether speaking/ reasoned:	Yes/No
Whether Reportable:	Yes/No