

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CWP No. 2133 of 2020
Reserved on: May 27, 2022
Pronounced on: July 8, 2022**

ASI SHAM SUNDER AND OTHERS

...Petitioners

VERSUS

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Ms. Jasneet Mehra, Advocate
for the petitioners.

Mr. Vikas Mohan Gupta, Addl. A. G., Punjab.

JAISHREE THAKUR, J.

1. The petitioners herein by way of instant writ petition seek issuance of a writ in the nature of Mandamus directing the respondents to allow them to sit in the Upper School Course, which was scheduled to start on 28.01.2020, as per the official letter No. 17623-28/Training-I, dated 23.12.2019, issued by the Director General of Police, Punjab-respondent No.2.

2. The facts in brief are that the petitioners, who are working as Assistant Sub-Inspectors in the Punjab Police Academy, Phillaur (PPA, Phillaur), claim that they are eligible for Upper School Course meant for promotion to the rank of Sub-Inspector. It is submitted that for getting promotion from the rank of Assistant Sub-Inspector to the post of Sub-Inspector, a candidate has to go through Upper School Course. The number of seat allocation for Upper School Course is decided by the Police Headquarters for the cadres of the Punjab Armed Police,

Intelligence, District and GRP and the Technical Supports Services, in three batches annually. However, the Punjab Police Academy, Phillaur, has its own seniority, as it has not been included in either of the above-mentioned cadres and thereby having no relation in inter-se seniority of other cadres. The Punjab Police Academy, Phillaur, seeks the desired number of seats from the office of the Director General of Police, Punjab-respondent No.2 for approval in all the promotional courses, depending upon the vacancy position in its sanctioned strength. On 03.06.2019, the petitioners made a representation to the Director General of Police-cum-Director, Punjab Police Academy, Phillaur-respondent No. 3 to get the seats allocated for Upper School Course for the Session 2019-2020. On 23.12.2019, respondent No.2, in all, allocated 11 seats of Intermediate School Course to PPA, Phillaur, as per its demand dated 01.10.2019, for the Session 2019-2020, but no seats were demanded by PPA, Phillaur for the Upper School Course, because of pendency of CWP No. 4972 of 2016 in this Court. Faced with the situation, the petitioners submitted another representation dated 20.01.2020 for getting the seats allocated for Upper School Course qua PPA, Phillaur. However, respondent Nos.3 and 4 showed their helplessness in allocation of the seats as prayed, in view of the pendency of the Civil Writ Petition No. 4972 of 2016 and even their request to sit in the Upper School Course, subject to the decision of CWP No. 4972 of 2016 was not entertained, giving rise to the instant writ petition.

3. Learned counsel for the petitioners herein would contend that non-allocation of seats for the Upper School Course on account of the pendency of CWP No. 4972 of 2016 is totally un-sustainable. It is submitted that the petitioners in CWP No. 4972 of 2016 have not disputed or questioned the seniority of the present petitioners and their sitting in the Upper School Course would not in any way effect the seniority of the petitioners in CWP No. 4972 of 2016, because the

petitioners in CWP No. 4972 of 2016 are adhoc employees, whereas the present petitioners are being promoted on the basis of their merit in B-1 Test and Lower School Course. It is submitted that since the promotion of the petitioners from the post of Assistant Sub-Inspector to the post of Sub-Inspector is subject to undergoing the Upper School Course and the allocation of the said seats is purely on their seniority fixed by merit in the Lower School Course and in case they are not allowed in the Upper School Course for the session 2019-2020, they would suffer irreparable loss by losing one year. It is further submitted that some of the petitioners are nearing their retirement in a few years and they would be denied of their rightful promotion to the next rank for no fault of theirs.

4. Per contra, learned counsel for the respondents submits that initially CWP No. 4972 of 2016 was filed by SI Bhupinder Singh and Others in which this Court passed the following order on 26.10.2018:-

“The deputation of persons to the Upper School Course shall be subject to the decision of the instant writ petition”

Thereafter, the instant writ petition was filed, in which this Court passed the following order on 27.01.2020:-

“Notice of motion, returnable for 25.3.2020. To be listed along with CWP No. 4972 of 2016. The deputation of persons to the Upper School Course for the session 2019-20 shall be subject to the decision of the instant writ petition.”

5. It is submitted that after passing of the order dated 26.10.2018 in CWP No. 4972 of 2016 no person amongst the employees of the Punjab Police Academy has been deputed in the Upper School Course meant for promotion to the rank of Sub-Inspector.

6. I have heard learned counsel for the parties and have gone through the record of the case.

7. The petitioners are seeking issuance of a writ in the nature of Mandamus directing the respondents to allow them to sit in the Upper School Course. The respondents herein were not deputing any person for the Upper School Course on account of orders which were passed in **CWP No. 4972 of 2016**, titled as **SI Bhupinder Singh and Others vs State Of Punjab and Others**, in which the High Court passed the following order on 26.10.2018:-

“The deputation of persons to the Upper School Course shall be subject to the decision of the instant writ petition”.

8. In the opinion of the Court the respondent-State has misinterpreted the orders so passed, which did not restrain the State from deputing eligible persons to be sent to the Upper School Course, which has resulted in several persons losing an opportunity to promotions in due course.

9. Be that as it may, the said **CWP No.4972 of 2016**, titled as **“SI Bhupinder Singh and Others vs State of Punjab”** has been dismissed by this Court on the even date and, therefore, there is no impediment for the respondents to depute such eligible persons to the Upper School Course.

10. Consequently, the present writ petition stands disposed of.

July 8, 2022
Chetan Thakur

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No