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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-15881-2015
Date of decision: 17.10.2022

LAKHWINDER SINGH

...Petitioner

VERSUS

STATE OF PUNJAB & OTHERS

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. G. P. S. Bal, Advocate
for the petitioner.

Mr. Mohit Kapoor, Addl. A. G., Punjab.

JAISHREE THAKUR, J. (Oral)

The instant writ petition has been filed seeking issuance of a writ in the nature of certiorari for quashing order dated 08.09.2014 passed by the Director General of Police, Punjab (Annexure P-26), whereby the claim of the petitioner for restoration of his promotion as Assistant Sub-Inspector and granting him the consequential benefits, stands declined.

Learned counsel for the petitioner herein would contend that the petitioner was working as a Head Constable at Kapurthala and on account of his unblemished service record, his name was recommended for promotion as officiating Assistant Sub-Inspector. He was thereafter conferred the local rank of post of Assistant Sub-Inspector under Rule 13.2-A of the Punjab Police Rules, 1934. His name was again recommended for promotion as Assistant Sub-Inspector after bringing his name on the promotion list D-II. He was

subsequently promoted by order dated 28.01.2005 by exempting him from passing the Intermediate School Course but by order dated 16.11.2005, a show cause notice was issued to him proposing to withdraw the order dated 28.01.2005, whereby the petitioner had been exempted from passing the Intermediate School Course. The reply to the said show cause notice was furnished but without considering all the relevant factors, his promotion was withdrawn.

Learned counsel for the petitioner herein would contend that the withdrawal of promotion order has been ordered without taking into consideration the fact that there were due recommendations to exempt him from passing the Intermediate School Course considering his exemplary service and unblemished record. He would submit that the Officers' Committee has now been constituted in terms of order dated 23.09.2022 and, therefore, he would be satisfied his case the matter is considered by the said Officers' Committee.

Learned State counsel raises no objection to the matter being placed before the Officers' Committee by stating that the petitioner has already put in an appearance before the Officers' Committee on a previous occasion. It is only that the working of the Officers' Committee had been held up for want of officer to be nominated from the office of the Advocate General, Punjab and as on date, the said Officers' Committee is functional.

I have heard learned counsel for the parties.

I deem it appropriate to place the entire matter before the Officers' Committee as constituted in terms of the judgment rendered by this Court in **CWP No.566 of 2010**, titled as **Ranjit Singh versus State of Punjab**, decided

on **04.03.2010**. The grievance of the petitioner herein is that he is to be considered for promotion as Assistant Sub-Inspector as has been done in the case of one Bikramjit Singh.

Without going into the question whether the petitioner is entitled to the said promotion as claimed by him or not, this matter is referred to the Officers' Committee to decide the same by taking into account all the pleas as raised by the petitioner herein and by giving him opportunity of personal hearing before passing a speaking order on the said matter.

Consequently, the instant writ petition is disposed of.

Let the proceedings be completed, within a period of three months from the date of receipt of the certified copy of this order, in accordance with law.

17.10.2022
Chetan Thakur

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No