

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

CWP-2365-2018

Date of decision : 03.03.2023

Karam Singh

..... Petitioner

versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Ravi Sharma, Advocate and
Mr. Ravinder Kumar Panchal, Advocate
for the petitioner.

Mr. Rajesh Mehta, Additional A.G., Punjab.

PANKAJ JAIN, J. (Oral)

By way of present writ petition, challenge has been laid to orders dated 30.11.2016, 06.12.2016 and that 22.12.2016, whereby the promotion granted to the petitioner to the rank of Head Constable and above in the technical grade has been held to be against the rules on the ground that he did not pass TGT Course.

2. Petitioner served Indian Forces during national emergency in the year 1965 and 1971 war. Thereafter was enrolled as Constable with the Punjab Police on 20.04.1976 in wireless wing. In order to claim benefits under the relevant rules, petitioner approached this Court by way of CWP-5499-1992, whereby he was held to be entitled for the same specially petition filed at the behest of the State was dismissed. In compliance of the orders passed in favour of the petitioner, he was granted 04 years and 27 days of military services towards seniority and promotion. Still further in the second round of litigation, the petitioner had to approach this Court by way of CWP-13025-1997 and the respondents were directed to determine the deemed date of promotion to the petitioner in the rank of ASI and Sub-

3. Intra Court Appeal preferred at the behest of the State was dismissed. The respondents passed order restoring the deemed date of list 'F' of the petitioner which led to passing of order dated 30.11.2016 and that too 22.12.2016.

4. Counsel for the petitioner submits that the factual premise on which the impugned order has been passed is wrong and thus the impugned order cannot be sustained. He has referred to his service book wherein, the fact of the petitioner having passed TGT Course has been specifically noticed and the notings read as under:-

“12 Miscellaneous Particulars

War Medals and Decorations-

Note:- Enter designation of award and date only-Gazette notification in case of King's Police Medal and the Indian Police Medal. Other special decorations to be entered in full under commendatory entries.

1-C Passed in Part-II only in the final Exam of Radio Technician Gd-II Course (SM/92) held from 10-5-85 to 18-5-85 at CPRTI New Delhi's No. No. J-15013/1 (SM/92)/85-TRG dated 19-8-85 vide DSP Endst. No. 8215-21/82

28/8/85

sd/-

Dy. Superintendent of Police Wireless
Punjab, Chandigarh

13. Miscellaneous particulars, including awards other than those accompanied by commendation certificates, admission to be removed from promotions lists.

2-C Passed retest of Technical Grade II Course (SM-96) held from 21-5-1986 to 30-5-86 at Central Police Training Institute Ravindra Rangshalle Road New Delhi vide DCPW letter No. J-15013/1 (SM-96/86) Trg dated 22/10/86 DPT endst No. 9222-38/E-2 dated 29-10-86.

sd/-

Dy. Superintendent of Police,
Punjab, Chandigarh

3-C Passed final examination of Radio Technician Grade I course held from 6-4-90 to 20-4-90 at DCPW New Delhi vide letter No. J-15013/1 (SM-121/123)/90-Trg dated 25-5-90

DPT PB order
No 12297-302/E2
6/6/90

sd/-
Dy. Superintendent of Police (Wireless)
Punjab, Chandigarh

4-C Passed TGT course held from 01/04/1976 to 26/02/77 at PPA
Phillaur.

Vide No.16292-94/E-2
dated 27/5/15

sd/-
Dy. Superintendent of Police
Tele Communication Punjab
Chandigarh”

5. Counsel representing the State is not in a position to dispute the aforesaid facts. In view of the aforesaid admitted position of facts and the petitioner having passed TGT Technical Grade-3 Course, cannot be held to have been wrongly promoted to the rank of Head Constable in Technical Grade.
6. In view of the aforesaid facts, the present writ petition is allowed. The order holding the promotion of the petitioner to be bad in law and against the law is held to be illegal and hereby quashed. Resultantly, the respondents are directed to release the consequential benefits to the petitioner in accordance with law alongwith interest @ 6% per annum from the date of approval till the date of its actual realization within a period of 12 weeks from the date of receipt of certified copy of the order.
7. Ordered accordingly.

(PANKAJ JAIN)
JUDGE

03.03.2023
Dinesh

Whether speaking/reasoned : Yes

Whether Reportable : No