

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CWP-3513-2024
Date of Decision: 19.03.2024

Inspector Vinod Kumar ...Petitioner

Versus

State of Punjab and another ...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Sumeet Puri, Advocate for the petitioner
(*present through Video Conferencing*)
Mr. Aman Dhir, Deputy Advocate General, Punjab

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of order dated 21.12.2023 (Annexure P-1) whereby his claim has been rejected.
2. The petitioner is posted as Inspector with Punjab Police. The petitioner made representation dated 31.01.2023 before the respondent seeking promotion from the post of Inspector to Deputy Superintendent of Police (for short 'DSP') but to no avail. The petitioner preferred **CWP No.19685 of 2023, Inspector Vinod Kumar v. State of Punjab and others** before this Court which was disposed of vide order dated 05.09.2023 (Annexure P-2) directing the respondent to decide representation dated 31.01.2023 of the petitioner. The Secretary, Home Affairs and Justice, Government of Punjab vide impugned order dated 20.12.2023 (Annexure P-1)

has rejected claim of the petitioner on the ground that he was supposed to secure 12 marks in the gradation of last 5 year Annual Confidential Reports whereas he has secured 11 marks, thus, cannot be considered for promotion.

3. Mr. Sumeet Puri, Advocate, submits that the petitioner was awarded commendation by Director General of Police, Punjab, thus, he could not be declined promotion from the post of Inspector to Deputy Superintendent of Police.

4. Mr. Aman Dhir, Deputy Advocate General, Punjab submits that competent authority pursuant to directions of this Court has passed a speaking order wherein claim of the petitioner has been considered. He had secured 11 marks with respect to last five years ACRs whereas benchmark was 12. The benchmark was fixed for all the participants and the petitioner is not assailing said benchmark. There was no discrimination and DPC promoted those candidates who secured minimum marks.

5. I have heard the arguments of learned counsels for both sides and perused the record with their able assistance.

6. The petitioner is assailing order dated 20.12.2023 which has been passed by Home Secretary in compliance of order dated 05.09.2023 (Annexure P-2) passed by this Court in *CWP No.19685 of 2023*. The respondent in the impugned order has observed that in the DPC held on 20.12.2022 for promotion from Inspectors to DSP, the candidature of the petitioner was considered. The benchmark of 12 marks for ACRs of last five years was declared. The petitioner secured 11 marks qua last five years ACRs, thus, he was not promoted to the post of DSP. The respondent has fixed marks

Good’; 2 for ‘Good’ and 1 for ‘Average’. The petitioner with respect to his last five year ACRs has secured 11 marks which are less than benchmark. The petitioner is unable to point out any infirmity in the benchmark fixed by DPC. There is no discrimination with the petitioner. The same standard/yardstick has been applied to all the candidates, thus, there is no substance in the argument of the petitioner.

7. In the wake of above discussion and findings, this Court is of the considered opinion that present petition *sans* merit and deserves to be dismissed and accordingly dismissed.

(JAGMOHAN BANSAL)
JUDGE

19.03.2024
Mohit Kumar

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>