



CWP-11937-2013

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

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CWP-11937-2013

Date of decision: 14.05.2024

MANJIT SINGH

....PETITIONER

Vs.

STATE OF PUNJAB AND ORS.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

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

Mr. Aman Dhir, DAG, Punjab.

Mr. A.K. Agnihotri, Advocate
for respondent Nos. 7 to 9, 11 to 14 & 18 and 19.

JAGMOHAN BANSAL, J (ORAL)

1. The petitioner through the instant petition under Articles 226/227 of the Constitution of India is seeking direction to respondents to grant him promotion to the rank of Assistant Sub Inspector w.e.f. 02.12.1994 and further grant him exemption from passing Intermediate School Course.

2. The petitioner joined as Constable in 82 Batalion, PAP on 22.05.1990. He cleared lower school course on 01.03.1994 and his name was recorded in C-I Register. He was promoted to the post of Head Constable on 24.08.1994. His name was further recorded in D-I register and he was promoted to the post of ASI w.e.f. 02.12.1994.

3. In November' 1994, while he was on election duty in Andhra Pradesh, a bomb blast took place wherein he was severely injured. He along with his colleagues chased the terrorists and shot dead their leader and brought



dead bodies of Constables from their possession. With respect to this incident, FIR No. 44 dated 26.11.1994 under Sections 30 to 307/148/149 IPC 3/5 Explosive Act, Section 25/27 Arms Act and Section 3/5 TDA Act was registered at Police Station Mahadev District Karim Nagar, Andhra Pradesh.

4. Mr. G.P.S. Randhawa, Advocate submits that petitioner suffered injuries in a bomb blast, thus, as per policy of respondents, he was entitled to promotion to the post of ASI and he was not required to pass Intermediate School Course. He has been granted local rank of ASI which does not entail financial benefits. He cleared requisite course, thus, his name was recorded in C-I Register and thereafter in D-I Register. He got promotion to the post of ASI, as per his performance and seniority. He has not been granted benefit on account of injuries suffered during anti-terrorist operation.

5. Mr. Aman Dhir, DAG, Punjab submits that concededly petitioner suffered injury in a bomb blast while on election duty, however, he is not entitled to benefit of further promotion. The Competent Authority considering the case of petitioner granted him the next higher local rank. The benefit of higher position has been granted to private respondents on the basis of their performance. There is no discrimination with the petitioner. He cannot claim substantive promotion as a matter of right.

6. From the perusal of record, it comes out that respondent with intent to grant service benefits to officials who were injured in anti-terrorists operations has framed policy dated 29.11.2012. Indubitably, the petitioner falls in the said policy. In the policy, the benefits which can be extended to police officials have been notified. The relevant extracts of the policy are reproduced as below:-



“5. In order to avoid administrative complications it would be desirable that the committee recommends one or more out of the following benefits:-

- i) Grant of promotion list C-II, D-II or E-II (Exemptee)*
- ii) Grant of next higher local rank.*
- iii) Placement in the next higher rank where the official may draw the salary of next higher rank without any gain in the seniority.*
- iv) In rare deserving cases a promotion with Seniority using the provisions of PPR 13.21 may be recommended.”*

7. From the perusal of above quoted paragraph, it can be gleaned that an employee may be extended one or more benefits out of above mentioned benefits. Petitioner has been granted only benefit of local rank of Assistant Sub-Inspector. The petitioner is claiming substantive promotion to the post of ASI which would entail higher salary. He does not want local rank. As per policy, he may be placed in higher rank where he may draw salary of higher rank without gain in the seniority. The benefit of out of turn promotion can be granted by Director General of Police in terms of Rule 13.21 of Punjab Police Rules, 1934. The said Rule is reproduced as below:-

“13.21 Power of Relaxation:- Where the Inspector-General of Police is of the opinion that it is necessary or expedient so to do, he may by order for reasons to be recorded in writing relax any of the provision of this Chapter with respect of any class or category.”

8. A conspectus of aforesaid Rule reveals that it is discretion of DGP to grant out of turn promotion to any police officer/official. The discretion cannot be exercised in an arbitrary or unreasonable manner. It is a settled proposition of law that every discretionary power should be exercised in a



reasonable and equitable manner. The respondent has extended to petitioner the benefit as contemplated at Sr. No. (ii), however, his case was never considered for the purpose of benefits contemplated at Sr. No. (iii) & (iv). The petitioner cannot claim said benefit as absolute, vested or fundamental right, however, authorities are also bound to consider his case especially when it is conceded that he had suffered multiple injuries in a bomb blast.

9. In the wake of above discussion and findings, the present petition is disposed of with a direction to respondents to consider the case of petitioner in terms of paragraph 5 (iii) & (iv) of policy dated 29.11.2012 framed by Director General of Police, Punjab. Let needful be done within 6 months’ from today.

10. It is made clear that this order shall not create any right in favour of the petitioner, however, the respondent shall exercise its power in a judicious manner.

14.05.2024
manoj

[JAGMOHAN BANSAL]
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No