



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

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CWP-15998-2024

Date of decision: 17.09.2024

AMARJIT SINGH

...PETITIONER

Vs.

STATE OF PUNJAB AND ANR

...RESPONDENTS

CWP-16611-2024

INSPECTOR DARSHAN SINGH

...PETITIONER

Vs.

STATE OF PUNJAB AND ANR

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Aman Bansal, Advocate
for the petitioner(s).

Mr. Aman Dhir, DAG, Punjab.

JAGMOHAN BANSAL, J (ORAL)

1. By this common order CWP-15998-2024 and CWP-16611-2024 are being disposed of since issues involved in both the petitions and prayer sought are common. With the consent of parties and for the sake of brevity, facts are borrowed from CWP-15998-2024.

2. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of orders dated 18.04.2022 (Annexure P-7) and 29.04.2022 (Annexure P-6) whereby claim of petitioner for the post of Deputy Superintendent of Police with retrospective effect has been declined.



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3. The petitioner completed 6 years of service as Inspector on 14.11.2008 and became eligible to the post of DSP. The said eligibility accrued in terms of Rule 6(i)(1)(a) of Punjab Police Rules, 1959. He retired on 31.01.2009 and no Departmental Promotion Committee met during November’ 2008 to January’ 2009, thus, petitioner could not be considered for the post of DSP.

4. Mr. Aman Bansal, Advocate submits that petitioner completed 6 years on 14.11.2008 and became eligible to the post of DSP. The Departmental Promotion Committee was not conducted by respondents and it was a lapse on the part of respondents. An employee cannot be deprived of valuable right of promotion on account of lapse on the part of employer.

5. From the perusal of record, it is evident that petitioner was eligible to the post of DSP on 14.11.2008 and he retired on 31.01.2009. In the interregnum, no DPC was held, thus, he was not considered for the post of DSP. Completion of 6 years makes an Inspector eligible for the post of DSP but neither creates vested nor Fundamental Right to the higher post. Had DPC been held in the interregnum, he could have had a case but in the absence of meeting of DPC, the petitioner cannot claim that he should be promoted on account of his eligibility on a particular date. This Court does not find any substance in the contention of petitioner.

6. The petitions being bereft of merit deserve to be dismissed and accordingly dismissed.

17.09.2024
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[JAGMOHAN BANSAL]
JUDGE

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