

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

120

CWP-16060-2024

Date of Decision: 30.07.2024

Ravinder Kaur and others

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: - Mr. Anil Mehta, Advocate for the petitioners

Mr. Aman Dhir, Deputy Advocate General, Punjab

JAGMOHAN BANSAL, J. (Oral)

1. The petitioners through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of order dated 23.12.2011 (Annexure P-1) whereby respondent No.3 was promoted out of turn.

2. Learned counsel for the petitioners submits that petitioners have filed the instant writ petition with the apprehension that in the year 2011, respondent No.3 despite being junior, was promoted to the post of Inspector without even finalization of the seniority list. He further submits that power under Rule 13.21 of the Punjab Police Rules, 1934 (for short '1934 Rules') has been used arbitrarily to favour respondent No.3 without there being any special material to consider her for out of turn promotion, by ignoring the seniority of the other similarly situated employees. At present, all the petitioners are from the Cadre of Inspector along with respondent No.3 and again the process has been started for promoting her to the post of Deputy



Superintendent of Police-DSP by invoking powers under Rule 13.21 of 1934 Rules. Expressing the apprehension, legal notice dated 18.06.2024 (Annexure P-4) has been submitted by the petitioners but the same has not been decided till date.

3. Learned State counsel submits that respondent No.3 is not going to be promoted out of turn or by exercising discretionary power. She would be promoted according to applicable rules and regulations. The promotion granted to an officer, a decade back, cannot be re-called at this belated stage.

4. The prime grievance as well as apprehension of petitioners is that respondent No.3 may be promoted out of turn and it would directly affect their career. The respondent-State has made a statement that respondent No.3 is not going to be promoted out of turn or by using discretionary power, thus, grievance as well as apprehension of petitioners stand redressed.

5. This Court finds that at this belated stage, it would not be just and fair to set aside promotion of respondent No.3 especially when she had already discharged duties of Inspector for more than 12 years. Thus, it is not appropriate to set aside order dated 23.12.2011 (Annexure P-1) whereby respondent No.3 was granted promotion.

6. The petition stands disposed of in above terms.

(JAGMOHAN BANSAL)
JUDGE

30.07.2024

Mohit Kumar

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