



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

107

LPA-2202-2024 (O&M)
Date of decision: 11.09.2024

STATE OF HARYANA AND OTHERS

...Appellants

VERSUS

CT SATISH KUMAR

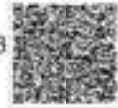
...Respondent

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL
HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr. Sanjeev Kaushik, Addl. A.G., Haryana
for the appellants.

DEEPAK SIBAL, J.(ORAL)

1. On 08.07.2009, the respondent was appointed as a Constable in the Haryana Police. In the year 2016, he made it to list B on the basis whereof he was to be considered for promotion as Head Constable. However, before the respondent could take part in the selection process, punishment of censure was awarded to him on 12.12.2016 resulting in the passing of order dated 06.04.2017 by the Superintendent of Police, Mewat at Nuh removing him from list B. The respondent challenged his removal from list B through filing of a petition before this Court being CWP-14695-2017 which petition of his was allowed on 18.04.2023 by a learned Single Judge. Such judgment is the subject matter of challenge through the instant intra Court appeal.
2. Learned State counsel has been heard.



3. To justify the removal of the respondent's name from list B, learned State counsel relies on the proviso to Rule 13.7 (12) of the Punjab Police Rules, 1934 (for short – the Rules). The said proviso and Rule 13.7 (13) of the Rules, which are relevant to decide this appeal, are reproduced below for reference:-

“13.7

(12) Government policy on reservation in promotion, if any, shall be followed while selecting persons for list B under 55% merit quota as well as for 35% quota for seniority-cum-fitness. However, the same shall not apply for the 10% category meant for out of turn promotion on the basis of outstanding performance in job, All India Police Games/Duty Meet/National Games and for exceptional bravery. Posts unfilled in this section in a year shall lapse:

Provided that no constable during the period when he is undergoing punishment shall be eligible for entry into promotion list B. For inclusion in list B against 35% seats reserved for seniority-cum-merit officials having two or more major punishments in their service career shall be debarred from being considered for promotion list B.

(13) The names of all officials who are on promotion list B or C shall be automatically removed from list B or C subject to Rule 13.8 A on award of a major punishment.”

4. As per the proviso to Rule 13.7 (12), if a Constable is undergoing punishment he shall be ineligible for being placed in list B and as per Rule 13.7 (13), a constable who is already on list B can be removed from the list only if he is awarded a major punishment.

5. In the case in hand, at the time when the respondent was inducted in list B, he was not undergoing any punishment. Therefore, proviso to Rule 13.7 (12) of the Rules would have no application.



6. Once the respondent was on list B then he could be removed from the list only in terms of Rule 13.7(13) and that could only be in the eventuality of him being awarded a major penalty which is not so in the respondent’s case because after he had been inducted on to list B, he was imposed the punishment of censure which is only a minor punishment.

7. In the light of the above, there is no error found in the impugned judgment.

8. Dismissed.

9. All pending miscellaneous application(s) also stand disposed of.

(DEEPAK SIBAL)
JUDGE

(DEEPAK MANCHANDA)
JUDGE

September 11, 2024

Nisha Yadav

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No