



**214 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

LPA No.1786 of 2017 (O&M)
Date of Decision: 20.11.2024

STATE OF HARYANA AND OTHERS

.....Appellants

Versus

BHUPINDER SINGH

.....Respondent

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

Present: Mr. Vivek Chauhan, Addl. A.G. Haryana
for the appellants.

Mr. Aditya Yadav, Advocate,
for the respondent.

* * * * *

DEEPAK SIBAL, J. (Oral)

1. On 05.10.2008 the respondent was enrolled as a Constable in the Haryana Police. In January 2015, he made it to List B. On the basis of merit-cum-seniority he was then to be considered for being deputed to the lower school course (for short – course) and on passing of which he would then be considered for promotion as a Head Constable. However, before the respondent could be deputed to the course, through an order dated 23.07.2015, passed by the Inspector General of Police, Rewari (for short – IGP), he was awarded the punishment of stoppage of one future annual increment with temporary effect. As a result of such punishment, his name was removed from List B. The respondent challenged his removal from List B through filing of a petition before this Court which has been allowed by a



learned Single Judge of this Court on 16.01.2017. Such judgment is the subject-matter of challenge through the instant intra Court appeal at the behest of State of Haryana.

2. Learned counsel for the parties have been heard.
3. Rules 13.7 (1), 13.7 (12) and 13.7 (13) of the Punjab Police Rules, 1934 (as applicable to the State of Haryana) (for short, the Rules) are relevant and therefore, are reproduced below for reference:

“13.7 Selection of candidates for admission to courses at the Police Training College.

(1) List B (in Form 13.7) shall be maintained by each Superintendent of Police. It shall include the names of all Constables selected for admission to the Lower School Course to be held at the Police Training College. Selection to the list B shall be made in the month of January each year and shall be limited to the number of seats allotted to the district for the year. The number of seats in Lower School Course in a year shall be allotted to the basis of existing vacancies and the vacancies likely to be created within one year in the respective unit. 55% of the seats allotted to a unit in the Lower School Course shall be filled in on the basis of a competitive examination, 35% on the basis of seniority-cum-fitness and 10% on the basis of consistent outstanding performance in job/obtaining Gold or Silver Medal in All India Police Games/Duty Meet/National Games or exceptional display of bravery during the course of performance of official duty. Selection of persons against 55% seats in B list/Lower School, on the basis of merit shall be done by a Departmental



Promotional Committee on the basis of –

- (i) Examination of service record; and*
- (ii) a competitive test (hereinafter called “B-I test) in, –*
 - (a) Parade;*
 - (b) law and practical police work, and*
 - (iii) an interview”*

“xxxx

(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 Rule 13.7 (1) List B is to be maintained by each Superintendent of Police and the selection for inclusion in the list is to be



made every year in the month of January. Such selection is to be on the basis of the number of available seats and the criteria as mentioned in Rule 13.7 (1) of the Rules.

5. 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), the name of a constable which is already on List B can be removed from the list only if he is awarded a major punishment.

6. In the case in hand, the undisputed facts are that the respondent was departmentally proceeded against for being unauthorizedly absent from duty but his Disciplinary Authority i.e. the Superintendent of Police, Palwal, through his order dated 31.10.2014, exonerated him. However, the IGP, who was the respondent's appellate authority, *suo moto* took up the matter and through his order dated 23.07.2015 imposed on the respondent the punishment of stoppage of one future annual increment with temporary effect which punishment was to take effect from 01.07.2016 to 30.06.2017.

7. It is the admitted position that in January 2015 the respondent's name duly figured in List B. Therefore, in terms of Rule 13.7 (13) his name could be removed from the list only if, thereafter, a major penalty would be imposed upon him which is not so in the case in hand as through the order of the IGP dated 23.07.2015 only a minor penalty in the form of stoppage of one future annual increment with temporary effect had been imposed on the respondent. That being so, the respondent's name could and should have not been removed from List B.

8. The afore view of ours finds support from a recent judgment of



ours dated 11.09.2024 in ***LPA No.2202 of 2024, State of Haryana and others Versus Constable Satish Kumar***, the relevant portion of which reads as follows:

“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.”

9. In the light of the above, no merit is found in the instant appeal and the same is hereby dismissed.

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

(DEEPAK SIBAL)
JUDGE

(DEEPAK MANCHANDA)
JUDGE

20.11.2024
sandeep

Whether Speaking/Reasoned : Yes/No

Whether Reportable : Yes/No