

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

120

CWP-24422-2023 (O&M)
Date of Decision: 05.02.2024

Gursewak Singh ...Petitioner

Versus

State of Punjab and others ...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr.Sharwan Sehgal, Advocate
for the petitioner.

Mr. Inderpreet Singh Kang, AAG, Punjab.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking directions to the respondents to extend notional promotion and implement order dated 10.09.2009 read with order dated 07.10.2010 passed by Commissioner of Police, Ludhiana.
2. The petitioner on 16.04.1975 joined Punjab Police as Constable and he was promoted as Head Constable w.e.f. 12.06.1980. The petitioner was dismissed from service vide order dated 09.03.1988 on account of absence from duty. The order of dismissal came to be set aside vide order dated 08.08.1995 passed by Civil Court, Ludhiana. The State filed appeal before the appellate court which came to be dismissed vide order dated 22.08.1996. The State further filed RSA No.168 of 1997 before this Court

which was dismissed vide order dated 04.08.2005. The State unsuccessfully preferred SLP No.2845 of 2006 before the Hon'ble Supreme Court. The petitioner was reinstated on 11.07.2006. The petitioner was served charge-sheet dated 04.01.2008 and he filed reply to the said charge-sheet. The petitioner vide notice dated 13.05.2008 was called upon to show cause as to why he should not be removed from service. The petitioner challenged aforesaid show cause notice before this Court by way of filing CWP No. 8406 of 2008 and this Court stayed the operation of said order. The petitioner w.e.f. 10.09.2009 was promoted to the post of Assistant Sub-Inspector but his promotion was withheld on account of major punishment of forfeiture of two years' service with permanent effect. The petitioner challenged order dated 10.09.2009 before this Court by way of CWP No.22169 of 2010. This Court vide order dated 31.05.2023 disposed of CWP No. 8406 of 2008, CWP No.22169 of 2010 and CR No.337 of 2019. The respondent vide order dated 7.10.2010 (Annexure P-12) re-examined case of the petitioner for promotion and kept his promotion pending on account of pendency of CWP No. 8406 of 2008 before this Court.

3. Learned counsel for the petitioner submits that all the petitions filed by petitioner as well as State have already been put to rest, thus, the petitioner is entitled to notional promotion in view of order dated 10.09.2009 read with order dated 07.10.2010 passed by Commissioner of Police, Ludhiana.

4. Learned State counsel does not dispute the afore-stated factual position especially filing of various petitions by petitioner as well as State.

He further submits that the competent authority would re-look into the grievance of the petitioner and his case for notional promotion would be re-considered and decided in the light of afore-stated orders passed by Commissioner of Police, Ludhiana.

5. In the wake of statement of learned State counsel, the present petition stands disposed of with a direction to the respondents to re-consider case of the petitioner for notional promotion within 06 months from today. Typed copies of orders dated 10.09.2009 and 07.10.2010 are on record, thus, the competent authority before passing order would look into genuineness of aforesaid orders.

6. Pending miscellaneous application, if any, also stands disposed of.

05.02.2024

(JAGMOHAN BANSAL)
JUDGE

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Whether speaking/reasoned

Yes

Whether reportable

No