



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

CWP No.30342 of 2024

Date of Decision: 11.11.2024

Malkiat Singh

....Petitioner

VS.

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. H.C.Arora, Advocate
for the petitioner

Mr. Aman Dhir, DAG, Punjab

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner through instant petition under Article 226 of the Constitution of India is seeking setting aside of communications dated 16.04.2019 (Annexure P-1) and dated 17.08.2020 (Annexure P-3) whereby respondents have rejected his claim for out-of-turn promotion.

2. The petitioner joined IRB Punjab Police as a Constable. He claims that he was instrumental in exposing a national level fraud and conspiracy in relation to issuance of fake arms licences. He is a Post Graduate. He made representation to respondents to grant him out-of-turn promotion to the rank of Assistant Sub Inspector by way of inserting his name in D-2 Register. He made representation (Annexure P-7) which



came to be rejected vide order dated 16.04.2019. He made further representation which also came to be rejected vide order dated 17.08.2020. He claims that Director General of Police, Punjab in terms of Rule 13.9 of Punjab Police Rules, 1934 (in short “1934 Rules”) has power to add name of any official for out of turn promotion in D-2 Register.

3. The respondents twice have rejected claim of the petitioner. The Director General of Police has power to add name of Head Constable in D-2 Register which is meant for the purpose of promotion to the post of Assistant Sub Inspector. Rule 13.9 of 1934 Rules, for ready reference, is quoted hereinbelow:-

“13.9. List D. Selection of candidates for promotion course for Head Constables. Promotion to the rank of Assistant Sub- Inspector.- (1) List 'D' shall be maintained in two parts for Head Constables in card Index Form No. 13.9 in each District. Selection for admission to the promotion course for Head Constable at the Police Training College, will be made from amongst all the confirmed Head Constables. No Head Constable shall be eligible for admission to the promotion course for Head Constable at the Police Training College, unless;

(1) He has passed Middle Standard Examination.

(2) He is below the age of forty years on the day of commencement of the next course.

(2) The names of the Head Constables who qualify at Police Training College in the Promotion Course for Head Constables will be entered in Part-I of List 'D' as soon as they qualify the same. While entering the names in this part they will maintain their seniority inter se. The names of the outstanding Head Constables who have not



passed the Promotion Course for Head Constables at Police Training College due to being over-age but otherwise are of exceptional merit and are considered suitable may, with the approval of Inspector-General of Police, be entered in Part II of List 'D'. No more than 10 per cent of the posts of Assistant Sub-Inspectors both permanent and temporary will be filled from the names of Part II of List 'D'. This part will not at any time contain names more than two per cent of the cadre strength of Assistant Sub-Inspectors in a range, both temporary and permanent.

(3) Annual Confidential Reports of all the Head Constables in Parts I and II of List 'D' shall be furnished to the Deputy Inspector-General of Police by the 15th day of April, each year in Form No. 13.9(3).

(4) Promotion to the rank of Assistant Sub-Inspector shall be made in accordance with the seniority of the Head Constables on List 'D', which may be ignored by the Superintendent of Police in exceptional circumstances only for reasons to be recorded in writing with the approval of the Deputy Inspector-General of Police."

4. The power conferred upon Director General of Police (in Rules mentioned as I.G.P.) is a discretionary power. He has to judiciously exercise said power. This Court cannot direct the respondents to grant out-of-turn promotion or extend any other benefit in the absence of discrimination or grant of similar benefit to any other similarly situated official. No ground is made out to interfere with the impugned orders.



5. This Court does not find it appropriate to invoke its writ jurisdiction to direct the respondents to exercise power conferred by Rule 13.9 of 1934 Rules in favour of the petitioner.
6. Dismissed.
7. This order would not inhibit petitioner or respondents to seek or grant benefit in terms of Rule 13.9 of 1934 Rules.

(JAGMOHAN BANSAL)
JUDGE

11.11.2024
paramjit

Whether speaking/reasoned:	Yes	
Whether reportable:	Yes	