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

CWP-560-2025**Date of Decision: 23.01.2025****RANJIT SINGH**

..... Petitioner

*Versus***STATE OF PUNJAB AND OTHERS**

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. F.S. Dhillon, Advocate
for the petitioner.

Mr. Aman Dhir, DAG, Punjab.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of order dated 30.09.2024 (Annexure P-6) whereby DGP, Punjab has rejected his claim.

2. On 01.06.1984, the petitioner joined Punjab Police as Constable. He was promoted to the rank of Head Constable vide order dated 26.02.2018. He did not accept his order of promotion, accordingly he was debarred for two years for the purpose of promotion. He again vide order dated 11.04.2018 came to be promoted to the rank of Head Constable. In the said order, it was made clear that if any Officer refuses to accept promotion, he shall be debarred for promotion for two years. He was allocated Ludhiana, Commissionerate. He was not interest to join at Ludhiana, thus, he vide letter dated 14.05.2018, requested the authorities to permit him to remain at Sangrur because he was going to retire on



31.07.2020. His request was acceded by Competent Authority and he was allocated Patiala Range and permitted to remain at Sangrur. The S.S.P. Sangrur never permitted him to join as Head Constable and he continued to hold local rank of ASI till the date of his superannuation i.e. 31.07.2020. He was getting salary of Constable though holding rank of ASI (Local).

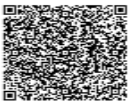
3. Mr. F.S. Dhillon, Advocate for the petitioner submits that respondent never recalled order dated 26.02.2018 whereby he was promoted to the Rank of Head Constable. Petitioner's request was acceded by Competent Authority and he was permitted to continue at Sangrur. The office of S.S.P, Sangrur did not issue formal joining letter as Head Constable, thus, petitioner continued to draw salary of Constable. It is adversely affecting his pension and similarly situated employees are getting higher pension.

4. Notice of motion.

5. Mr. Aman Dhir, DAG, Punjab who on advance notice is present in Court, accepts notice on behalf of the respondent-State and waives service.

6. With consent of learned counsel for the parties, the case is taken up for final disposal.

7. Mr. Aman Dhir, DAG, Punjab submits that petitioner was promoted in February' 2018 and he requested vide letter dated 14.05.2018 to permit him to remain at Sangrur. He was permitted to remain at Sangrur. He was supposed to join at Ludhiana in view of his promotional order. By remaining at Sangrur, it was consensual that he will continue to hold rank of Constable which was further evident from



the fact that he never agitated till the date of his retirement and continued to get salary as Constable.

8. From the perusal of record and arguments of both sides, it is evident that petitioner for the first time was promoted on 25.04.2015. He did not accept higher rank and continued to work as Constable. He for the second time was promoted on 26.02.2018. He was promoted to the rank of Head Constable and at that point of time he was holding rank of Head Constable (Local). He, prior to his retirement, was further promoted to ASI (local rank). He despite holding local rank of ASI continued to accept salary of Constable. These facts collectively prove that he was very much interested to remain at Sangrur and hold local rank instead of substantive rank. Not accepting promotion in 2015 and continue to accept salary of Constable till the date of his retirement, indicate that petitioner was never interest for substantive rank of Head Constable. It is further apt to notice that he remained silent for four years from the date of his retirement. By his act and conduct, he acquiesced rank of Constable and at this belated stage wants to take rank of Head Constable from retrospective date. Any order of this Court would revive his promotional order dated 26.02.2018 which on account of his act and conduct has lost its significance.

9. Dismissed.

(JAGMOHAN BANSAL)
JUDGE

23.01.2025
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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No