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

**CWP-15677-2002 (O&M)
Date of Decision:15.09.2025**

Kamaljit Singh

...Petitioner

Versus

State of Punjab and Others

...Respondents

CORAM:- HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Naresh Prabhakar, Advocate for the petitioner.

Mr. Chanchal K. Singla, Addl. A.G., 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 29.01.2002 (Annexure P- 8) and direction to respondents to promote him as Constable because he has suffered locomotor injury during service.

2. The petitioner joined Punjab Police as Special Police Officer (in short 'SPO') on 27.08.1992. He suffered locomotor disability on 03.01.1997 while on duty. The respondent appointed many SPOs as Constable, however, his claim was denied as he failed to qualify physical test. He could not clear physical test due to locomotor disability. He in terms of Section 47 of Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (in short '1995 Act') is entitled to protection of service. He filed CWP No.14098 of 2001 before this Court which was disposed of with a direction to respondent to decide his representation. The respondent vide order dated 09.01.2002 offered him Class-IV Post. The respondent vide order dated 29.01.2002 rejected his request to the effect that he should be protected in terms of 1995 Act.

3. Learned counsel representing the petitioner submits that as per

Section 47 of 1995 Act, the respondent being a non-exempted establishment was bound to promote him as Constable. He could not be denied promotion as Constable.

4. Learned State counsel submits that post of Constable is not a promotional post. The petitioner was supposed to clear physical test for the post of Constable. On account of his injury as SPO, he was offered alternative post.

5. I have heard learned counsel for the parties and perused the record with their able assistance.

6. During the course of hearing, learned counsel representing the petitioner confirmed that petitioner continued to work with respondent as SPO.

7. There is no rule in PPR which provides that SPO is a feeder cadre post and Constable is a promotional post. There is always direct recruitment of Constables. Post of SPO is a temporary post. SPOs are appointed under Section 17 of Punjab Police Act, 1861 to deal with emergent situation. Section 47 of 1995 Act is applicable where a person suffering from disability is entitled to promotion. On account of disability, he cannot be denied promotion. As post of Constable is not a promotional post and post of SPO is not a feeder cadre post, the petitioner cannot claim post of Constable as a matter of right under Section 47 of 1995 Act. As confirmed by him, his post was protected despite being PWD, thus, there was compliance of 1995 Act on the part of respondents.

8. ***Dismissed.***

9. Pending application(s), if any, shall also stand disposed of.

(JAGMOHAN BANSAL)
JUDGE

15.09.2025
Prince Chawla

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No