



CWP-14840-2015

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

CWP-14840-2015

Date of Decision:12.03.2025

SURESH KUMAR

..... Petitioner

Versus

STATE OF PUNJAB & ORS

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. Manu K. Bhandari, Advocate with
Mr. Rohit Kataria, Advocate and
Mr. Arjun Sawhni, Advocate
for the petitioner.

Mr. Aman Dhir, DAG, Punjab.

JAGMOHAN BANSAL, J. (Oral)

1. This Court while issuing notice of motion stayed impugned order whereby he was ordered to be reverted from the post of Head Constable. The order dated 24.07.2015 is reproduced as below:

“Contends that the petitioner had earlier approached this court vide CWP No.15241 of 2009, as despite being higher in merit than another candidate i.e. Jugraj Singh C No.867/Muktsar, he was not being deputed for the lower school course. The petition was allowed and the petitioner was directed to be sent to B-1 course that was slated to commence from 01.09.2011. Vide letter dated 09.09.2001 (Annexure P5), the Director General of Police, Punjab, directed the Senior Superintendent of Police, Muktsar, to implement the order passed by this court (Annexure P4). As a result, the petitioner was sent for lower school course and was declared successful vide merit list dated



09.12.2011 (Annexure P7). As a result, he was promoted as Head Constable w.e.f. 01.12.2011, vide order dated 04.11.2013 (Annexure P8). Subsequently, he again approached this court vide CWP No.3531 of 2015, as he claimed promotion as Head Constable w.e.f. the date Jugraj Singh was promoted. The said petition was disposed of by this court on 26.02.2015 (Annexure P10), with a direction to the respondents to consider the claim of the petitioner. However, a show cause notice dated 07.07.2015 (Annexure P11) was served upon the petitioner that as his name could not be brought on list C-1, consequently he could not be promoted as Head Constable for the reasons enumerated in the show cause notice. Petitioner purports to have submitted reply to the said notice but vide order being assailed dated 18.07.2015 (Annexure P13), promotion afforded to the petitioner as Head Constable has since been withdrawn w.e.f. 01.12.2011 and he has been reverted. Learned counsel for the petitioner submits that the order dated 23.08.2011 (Annexure P4), passed by this court, vide which the respondents were directed to send the petitioner to B-1 course, having attained the finality and as a consequence thereof since he even qualified the lower school course and was promoted, it was not open to the respondents any longer to question his eligibility as regards sending him to a lower school course.

Notice of motion.

Notice re: stay as well.

Mr. Anshul Gupta, Asst. AG, Punjab, present in court, accepts notice on behalf of the respondents. Copies supplied.

Learned State counsel prays for and is granted four weeks time to file the written statement with an advance copy to learned counsel for the petitioner.



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Adjourned to 25.08.2015.
In the meanwhile, reversion of the petitioner from the post of Head Constable shall remain stayed till the adjourned date of hearing.”

2. Learned State counsel submits that petitioner has retired on 31.08.2024 on attaining the age of superannuation. The petitioner continued to hold substantive rank of Head Constable in view of interim order of this Court. He was further granted promotion of local rank of ASI.

3. As petitioner has already retired on attaining the age of superannuation and continued to hold substantive rank of Head Constable, this Court finds it appropriate to make order dated 24.07.2015 absolute. It is made clear that this order shall not treated as precedent.

4. Disposed of.

(JAGMOHAN BANSAL)
JUDGE

12.03.2025
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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No