

**CWP-11543-2018****-1-****IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH************205****CWP-11543-2018****Date of Decision: 12.08.2025****INDER SINGH****...Petitioner****Vs.****STATE OF HARYANA AND ORS.****...Respondents****CORAM:- HON'BLE MR. JUSTICE JAGMOHAN BANSAL****Present:- Mr. Ravi Sharma, Advocate
for the petitioner****Mr. Ravi Partap Singh, DAG Haryana***********JAGMOHAN BANSAL, J. (ORAL)**

1. The petitioner through instant petition under Article 226/227 of the Constitution of India is seeking setting aside of order dated 10.11.2016 whereby he has been denied rank of ASI w.e.f. 20.09.1991 towards regularization.

2. The petitioner in July' 1989 participated in an operation against two dreaded terrorists. They were apprehended by raiding party. The State Government decided to grant out of turn promotion to members of the raiding party. The petitioner at that point of time was on promotion List C-1. He like others was granted promotion to the post of adhoc Head Constable. He made a representation that he was already on List C-1, thus, he has not actually been granted benefit. Commissioner of Police, Gurugram considered his claim and Deputy Inspector General,

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Gurugram, Range Gurugram approved his name for promotion as Assistant Sub-Inspector (in short 'ASI') on adhoc basis w.e.f. 20.09.1991. He was reverted back to the post of Head Constable vide order dated 22.02.1992. Petitioner and two other Police officials preferred CWP-9267-1992 before this Court assailing their reversion. The said writ petition was allowed and the State carried the matter in appeal. The Division Bench vide order dated 16.04.2007 disposed of appeal with liberty to the State to raise issue before Learned Single Judge. Matter again came up for consideration before Single Judge who vide order dated 07.07.2014 allowed the writ petition with following findings:-

“3. In all these cases, the promotions granted were in recognition of their outstanding service. The permission from the DGP had also been sought by the Superintendent of Police for ad hoc order of promotion to be issued. The challenge now is to the subsequent order passed through the impugned order reverting them “on administrative grounds”. It cannot be that 'out of turn promotion' granted in commendation of service is merely a lollipop given to the wailing baby to be withdrawn at any time after the wailing is stopped. It would allow for the State to withdraw it if there was no vacancy in the promoted post or there was a claim to the slot by a person who had better merit or there was any other contingency which would require some other persons to be accommodated in the promotion post or some adjustment was required to be made to maintain the cadre strength. The persons that came for out of turn promotion have all been reverted to the lower rank. We have no reasons given except a vague expression like reversion on administrative grounds. This does not appear to be proper and more particularly so,



when the order of reversion was stayed by the court two decades back and the petitioners have secured a further promotion on undergoing special courses meant for promotion. Giving effect to the order of reversion would demoralize the petitioners. I quash the orders of reversion even while holding that the original orders passed promoting them only on ad hoc basis was perfectly justified. The reversion order may be re-examined in the light of the observations made above and examine whether there was any particular contingency that compelled the authorities to revert them and if there existed none, their own promotions must be taken as having been regularized and they should be considered for further promotions as well. The State shall examine the vacancy position as they existed at the time when the orders of reversion were passed and after sharing the information with the petitioners and giving them an opportunity to make their own representations, final orders shall be passed. Since I have quashed the order of reversion, the decision must be taken within 8 weeks by examining the then prevailing situation in 1992 and also taking note of the exigency of service of the petitioners having been allowed to occupy promotion post by virtue of court orders and who have also performed the service in still further promotion post for fairly long number of years.

4. The writ petitions are allowed and the matter be placed before the appropriate authorities for such a decision, as directed above. If any of the petitioners have also retired, no further orders are necessary.”

3. The aforesaid order was never challenged, thus, it became final. The respondent reconsidered its policy dated 21.11.2013 which was dealing with out of turn promotion. The said policy came to be withdrawn and new policy came into force w.e.f. 10.08.2016. The



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Inspector General of Police Rewari by impugned order has withdrawn the promotion of the petitioner to the rank of ASI w.e.f. 20.09.1991. The respondent has further relied upon judgment of Supreme Court in “*SI Paras Kumar Vs. SI Ram Chander and Ors.*”, 2004(6) SCC 88.

4. Learned counsel for the petitioner submits that there was no occasion to withdraw petitioner's promotion from 20.09.1991. The respondent had granted out of turn promotion to all the Police officials who participated in an operation against terrorist. This Court vide judgment dated 07.07.2014 has upheld promotion, thus, there was no reason to withdraw the benefit in 2016.

5. *Per contra*, learned State counsel submit that promotion of the petitioner was subject to outcome of *LPA No.116 of 2006* which was pending before this Court. The State Government in 2016 changed its Policy with respect to out of turn promotion, thus, benefit granted to petitioner was bound to be withdrawn as per 2016 policy.

6. I have heard learned counsel for the parties and perused the record of the case.

7. From the perusal of record, it is evident that benefit of adhoc promotion as ASI was granted to the petitioner in 1991. He was reverted to the post of Head Constable vide order dated 22.02.1992. As per Annexure R-2 dated 13.03.2007, the benefit of promotion as adhoc ASI was subject to outcome of *LPA No.116 of 2006*. The said LPA was disposed of vide order dated 16.04.2007 with liberty to respondent to raise the issue before learned Single Judge. The matter again came up for

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consideration before Single Judge who vide order dated 07.07.2014 allowed writ petitions. In the said order, it was specifically observed that benefit of promotion cannot be withdrawn without any reason. The State was directed to examine vacancy position as existed in 1992. The order dated 07.07.2014 was never set aside. The respondent has withdrawn benefit of promotion on the ground of judgment of **SI Paras Kumar (supra)** which was duly considered and noted by Division Bench in LPA as well as by learned Single Judge in order dated 07.07.2014. The respondent has further relied upon its Policy of 2016. The benefit which was given in 1991 could not be withdrawn as per Policy of 2016 especially when petitioner was further promoted and he had already retired by the date of passing impugned order. The respondent has further ignored order dated 07.07.2014 passed by this Court in *CWP-9267-1992*.

8. In the wake of above discussion and findings, this Court is of the considered opinion that the instant petition deserves to be allowed and accordingly allowed. Impugned order is hereby set aside.

9. Pending application(s), if any stands disposed of.

(JAGMOHAN BANSAL)
JUDGE

12.08.2025*Deepak DPA*

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