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

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CWP-23573-2013 (O & M)

Date of Decision: 07.03.2025

Sucha Singh and others

.....Petitioner(s)

Versus

State of Punjab and others

.....Respondent(s)

Sr. No.	Case No.	Parties Name
2.	CWP-8494-2014	Satpal vs. State of Punjab and others
3.	CWP-8376-2014	Harjinder Singh vs. State of Punjab and others
4.	CWP-8369-2014	Ranjit Singh and another vs. State of Punjab and others
5.	CWP-8440-2014	Jarnail Singh and another vs. State of Punjab and others

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. G.S. Bal, Sr. Advocate,
with Ms. Gurneet Kaur, Advocate,
for the petitioners (in CWP-23573-2013).

Mr. K.G. Chaudhary, Advocate,
and Ms. Sakshi Singh, Advocate,
for the petitioner(s)
(in CWP Nos.8494, 8376, 8369 and 8440 of 2014).

Mr. Aman Dhir, DAG, Punjab.

Mr. Satvik Bansal, Advocate,
for Mr. Amitabh Tiwari, Advocate,
for respondent Nos.7 and 8 (in CWP No. 8494 of 2014).
for respondent Nos.6 and 7 (in CWP Nos.8369 and 8440 of 2014).

JAGMOHAN BANSAL, J. (Oral)

1. By this common order, above noted writ petitions are hereby
adjudicated as issues involved and prayer sought in all the petitions are common.

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For the sake of convenience and with the consent of parties, the facts are borrowed from ***CWP-23573-2013***.

2. The petitioners through instant petition under Articles 226 and 227 of the Constitution of India are seeking setting aside of:

- (i) Order dated 03.05.1990 (Annexure P-3) whereby respondent has equated the Condensed Course equal to Intermediate and Upper School Course under Punjab Police Rules, 1934 (in short 'PPR').
- (ii) Officers Committee Report (Annexure P-4) whereby Committee has justified out of turn promotion of 19 Sports Persons.

3. Mr. G.S. Bal, Sr. Advocate and Mr. K.G. Chaudhary, Advocate for the petitioners submit that petitioners joined Punjab Police during 1973-79. They underwent Lower School Course (LSC), Intermediate School Course (ISC) and thereafter Upper School Course (USC). They were promoted after passing requisite course as prescribed by Chapter 13 of PPR. The private respondents joined service during subsequent years (1975-1982) and they did not undergo School Courses as prescribed under Chapter 13 of PPR still were promoted to higher ranks. They completed Condensed/Capsule Course which was of not more than 4 months. The Rules nowhere provide for Condensed or Capsule Course and respondent by way of Executive Instructions introduced these courses and permitted 19 Sports Persons to undergo these courses. It is settled proposition of law that Instructions cannot be contrary to Rules. The PPR are in the form of complete Code governing terms and conditions of service of police officials. The private respondents despite being Sports Persons were required to undergo LSC/ISC and USC. The respondent in exercise of power conferred by Rule 13.21 of PPR treated Condensed Course equivalent to ISC or USC. The respondent had

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no authority to treat Condensed Course equinimous to ISC or USC. The act of respondent was beyond the Rules. Division Bench of this Court in ***Dharambir Singh and others vs. State of Haryana and others, 2011 (1) RSJ 554*** and in ***State of Punjab and others vs. Kirpal Singh Officiating Assistant, Sub-Inspector Government Railway Police and others, 1970 (6) RSJ 215*** has clearly held that any Instruction which is contrary to PPR is invalid. The 19 persons who were permitted to undergo Condensed Course did not form class or category of persons, thus, Rule 13.21 could not be invoked. The respondent did not record reasons while invoking power under Rule 13.21 and this Court has clearly held in ***CWP-10873-2012, LR/ASI Hardev Singh and other vs. State of Punjab and others*** that Director General of Police (DGP) is required to record reasons prior to exercising power under Rule 13.21 of PPR. The petitioners are also Sports Persons and they are getting lesser pension than private respondents.

4. *Per contra*, Mr. Aman Dhir, DAG, Punjab submits that private respondents were Sports Persons. They were appointed on the basis of their achievement in sports. They were supposed to continue to play, thus, could not complete either initial training or subsequent courses as prescribed under PPR. The respondent formed an opinion that Sports Persons should be exempted from training or School Courses which were necessary for promotion. They were required to undergo Condensed/Capsule course. The said course was of 4 months and Sports Persons were required to undergo said course. The Sports Persons were initially assigned higher rank on *ad hoc* basis and as soon as they completed Condensed Course, they were assigned substantive rank.

5. I have heard the arguments and perused the record.

6. From the perusal of record, it is evident that private respondents have

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been granted out of turn promotion in exercise of power conferred by Rule 13.21 of PPR. The said Rule is reproduced as below:-

“13.21. Power of relaxation. - Where the Inspector-General of Police is of the opinion that it is necessary or expedient so to do, he may, by order for reasons to be recorded in writing relax any of the provisions of this Chapter with respect of any class or category of persons.

7. From the perusal of above quoted Rule, it is evident that power under said Rule can be exercised by Inspector General of Police (IGP). Now this power is exercised by DGP. The said Officer is required to form an opinion that it is necessary or expedient to grant relaxation from the provisions of this Chapter with respect to any class or category of persons. The relaxation cannot be granted if reasons are not recorded.

8. In the case in hand, the DGP formed an opinion that there are 19 Officers who are holding *ad hoc* rank and they have not undergone initial training or promotional course i.e. ISC or USC. He further formed an opinion that it would be sufficient compliance of requirement of promotional course if these Sports Persons undergo Condensed Course. It is apt to notice that Condensed Course was conducted from 01.04.1983 to 15.08.1983. The relevant extracts of orders dated 15.06.1989 and 03.05.1990 are reproduced as below:-

15.06.1983

“Subject: Condensed Course for sportsmen.

Please refer to your office memo. No.5322/PF dated 15.4.1988, on the subject noted above.

2. *The 'Condensed Courses' arranged from 1.4.1983 to 15.8.1983 at PTC, Phillaur for DSPs/Inspectors and ASIs*

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(Sportsmen) were neither intended to be promotion courses nor were conducted as such. Therefore, they cannot by any stretch of imagination be treated as promotion courses. So, the Condensed/Capsule Courses may, therefore, only be treated equivalent to initial courses as originally suggested by you vide D.O. No.10902/A-5 dated 1.12.1982.

3. *In case of Head Constables, Intermediate School Course is a 'Promotion course' who are confirmed and otherwise eligible. As there may be Head Constables (sportsmen) who may not be confirmed or strictly eligible for Intermediate School Course in accordance with Punjab Police Rules Rules 13.9, so in case of these HCs, DGP while exercising powers under PPR 13.21 has ordered that Condensed Course undergone by them on above dates may be treated as equivalent to Intermediate School Course in relaxation of rules.*

4. *You, may, therefore, proceed further in this regard accordingly.*

03.05.1990

Subject: Representation of sportsmen adhoc NGOS exemption from courses in respect of outstanding sportsmen and regularization of services of sportsmen.

Please refer to your office memo. No.6520/CB.SA-1 dated 5.4.1990 and this office latest TPM No.2395-99/E-1 dated 25.4.1990, on the subject noted above.

2. *In the past, there has been lack of uniformity in granting promotions to the sportsmen in the Punjab Armed Police. This resulted in dissatisfaction among the sportsmen. Additionally, now the department is having quite a number of sportsmen NGOs whose active sports days are over but their training police working is almost nil and they have been*

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holding the adhoc ranks of Sub-Inspector/ Inspectors of Police since long and their active sports participation has ended due to their age. Meanwhile, either a Condensed Course was conducted or some confirmations/ promotions were ordered without any consistent uniform policy.

3. In order to streamline the promotion system of sportsmen, view of the Inspector General of Police, PAP was obtained and it has finally been decided that in future, sportsmen would be given (only one adhoc promotion) and only initial training course or first promotion course would be exempted with the prior approval of the Director General of Police, Punjab and it was also decided to review cases of all the sportsmen NGOs to bring them under a uniform policy. In this connection, this office memo. No.3127/E-3 dated 7.3.1990 refers.

4. To regularize the services of the following sportsmen NGOs who had undergone the 'Condensed Course' from 1.4.1983 to 15.8.1983 the same is hereby equated to 'Upper School Course' ending September 1983 in relaxation of the powers vested in the Director General of Police, Punjab, under PPR 13.21:-

xxx

xxx

xxx

The above mentioned adhoc Sub-Inspector/ Adhoc Inspectors have also been exempted from undergoing the Lower and Intermediate School Courses prior to their adhoc promotion as Sub-Inspector. They be brought on List-E w.e.f 1.10.1983 and their Inter-se seniority on List-E be fixed from the date of their promotion as adhoc Sub-Inspector, mentioned against each above.

5. The following adhoc Sub-Inspectors (some of them adhoc Inspectors) were erroneously confirmed in the rank of Sub-Inspector by different Police Units as neither they had qualified courses as prescribed under PPR prior to their

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confirmation nor they were got exempted from various courses from the Director General of Police, Punjab, before their confirmation in the rank of Sub-Inspector:-

xxx

xxx

xxx

In the case of above mentioned Ahoc Sub-Inspectors (some of them Adhoc Inspectors) the decision as mentioned against each has been taken to regularize their services by invoking the provisions of PPR 13.21 by the Director General of Police, Punjab:-

xxx

xxx

xxx

The above mentioned Sub-Inspectors (some of them adhoc Inspectors) will also maintain their inter-se seniority as Sub-Inspector from the dates of their adhoc promotion to the rank of Sub-Inspector and may be allowed consequential benefits on the basis of deemed list-E given to them w.e.f. 1.10.1983.

In the cases of the following sportsmen the decision as mentioned against each has been taken under the provisions of PPR 13.21:-

xxx

xxx

xxx

The above mentioned adhoc sub-Inspectors (some of them adhoc Inspectors) i.e. from Sr.No.1 to 4 will maintain their inter-se seniority on the basis of their promotion to the rank of Sub-Inspectors on adhoc basis while giving them further consequential benefits on the basis of their entry to List-E.”

9. From the perusal of orders dated 15.06.1989 and 03.05.1990, it is evident that matter was considered at length and thereafter it was decided that Sports Persons would be entitled to relaxation from training/promotional course who had undergone Condensed Course conducted from 01.04.1983 to 15.08.1983.

10. This is second round of litigation. On the earlier occasion, this Court

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Officers to address grievance of the petitioners. The order dated 14.01.2013 reads as:-

"The composition of the Committee was slightly modified by this Court vide order dated 10.08.2011 passed in CWP No.7075 of 2011 (Sub Inspector Sanjeev Kumar & Anr. vs. State of Punjab & Ors.). Needless to say that some of the petitioners/private respondents have retired from service during the pendency of these writ petitions. It would be illogical to pass any order adverse to the interest of those who have since retired, therefore, they shall continue to draw whatever benefits were granted to them. However, the writ petitioners who are found to have been discriminated or denied similar benefit(s), the Officers' Committee shall make suitable recommendations for the redressal of their grievances within the time frame already fixed by this Court in Ranjit Singh' case. The recommendations of the Committee shall be binding on the State Government in the manner as was directed in Ranjit Singh's case. The petitioners as well as private respondents, if so advised, shall be at liberty to supplement their claims before the Committee within a period of two weeks' from the date of receipt of a certified copy of this order and such supplemental claims shall also be adjudicated by the Officers' Committee in the same manner as the main case.

The consequential benefit(s), to which the petitioner(s) may be found entitled to, shall be granted/released in their favour within a period of three months from the date their claim is accepted.

With these directions, the writ petition(s) are disposed of."

11. The respondent, in compliance of aforesaid order of this Court, constituted a Committee of Officers. The Committee comprised of Inspector General of Police (Headquarter), Additional Advocate General, Punjab and Deputy Inspector General, Administration, Punjab. The Committee considered claim of petitioners as well as respondents. The relevant extracts of the report of the Committee are reproduced as below:-

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“3. After considering the factual details of the Petitioners as well as Respondents No.4 to 9 it is pertinent to point out that the Petitioners on recruitment underwent the Basic Training Course and also the promotion courses as prescribed under Punjab Police Rules and on the basis of the same they were granted all due promotions and other benefits. They were never overlooked in promotion vis-à-vis their batch mates. However, they cannot be granted promotion List-D w.e.f. 1.9.1983 and further promotional benefits at par with Respondents No.4 to 7. Respondents No.4 to 7 were recruited in the Police Force because of their sports calibre and were taken in Central Sports. It may be submitted that Respondents No.4 to 7 did not undergo Basic Training Course on recruitment. They were subsequently made to undergo Condensed Course which was specifically framed for this batch of officers. It may be submitted that Respondents No.4 to 7 were granted the benefits of Condensed Course by the Ld. DGP Punjab vide order dated 15.6.1989 by exercising the powers under Rule 13.21 of PPR. The Respondents No. 8 and 9 have been granted List-D w.e.f. 1.10.1983 and further promotional benefits on accepting their representations in view of their sports achievements, vide DGP Punjab Chandigarh's office memo. No.46071/E-1 dated 31.12.1993 under rule 13.21 of PPR. It further deserves to be emphasized that the said discretion was not exercised only qua Respondents No.4 to 7 but the benefit was extended to the entire batch of 19 sports category officials recruited during 1975 to 1982. The order dated 3.5.1990 (Annexure P-8) was passed by DGP Punjab by exercising the powers under Rule 13.21 of PPR vide which the Condensed Course passed by the NGOs sports persons in the year 1983 was treated as equivalent to Upper School Course. The order dated 22.10.1998 (Annexure P-11) was passed by the Deputy Inspector General of Police, Admn.

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PAP, Jalandhar Cantt. Vide which necessary formal orders regarding grant of promotion List-F (Executive) w.e.f. 20.2.1992 to private Respondents were Issued as per their seniority on promotion List-D w.e.f. 1.9.1983/1.10.1983.

In addition to the above said another relevant and Important fact which cannot be lost sight off is that prior to 1999, the seniority of the police officers was maintained at District level but since the year 1999 Central Seniority has been framed of the entire police force at the state level which in fact has largely settled the seniority issues to the satisfaction of the police personnel. The Central Seniority has also drastically reduced the litigation qua seniority issues. In view of the fact that seniority of police personnel largely stands settled, thus, accepting the plea of the Petitioners at this stage is bound to prejudice the rights of all those officers who were neither made party before the Hon'ble Court in writ petition nor are they before the present committee. Therefore, no order can be passed granting the benefit to the Petitioners. Further, the benefit of Condensed Course was granted to sportspersons vide order dated 15.6.1989 and the Petitioners filed CWP in the year 1998 which was also time barred at that time. Therefore, committee is of the considered view that the claim of the Petitioners is not made out. Their case for promotion List-D w.e.f. 1.09.1983 and above at par with Respondents No.4 to 9 is rejected. The Petitioners may be informed with a copy of the report.”

12. From the perusal of opinion of Committee, it is evident that Committee considered claim of petitioners as well as respondents. The Committee formed an opinion that DGP has exercised power conferred by Rule 13.21 of PPR. The benefit of relaxation has been extended to Sports Persons who were appointed on the basis of their calibre in sports. They have undergone Condensed Course and DGP has rightly granted them relaxation from

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promotional courses.

13. The petitioners are primarily claiming that Condensed Course was devised by way of Executive Instructions. It was contrary to PPR, thus, it was bad in the eye of law.

14. From the reading of Rule 13.21 of PPR, it is evident that DGP is empowered to grant relaxation from any provision of Chapter 13 to any class or category of persons. The respondent, by way of introducing Condensed Course, devised mechanism to grant relaxation from training. Normal training period was large than period fixed for Condensed Course. The relaxation could be granted even without asking the Sports Persons to undergo Condensed Course. Rule 13.21 empowers DGP to grant relaxation to any class or category of persons from undergoing any promotional course. The DGP instead of granting absolute exemption, granted exemption subject to undergoing Condensed Course. The mechanism adopted to grant relaxation does not seem to be unjust or arbitrary. The relaxation has been granted to 19 Sports Persons who brought laurels to the Nation. They were appointed on the basis of their sports achievement. They were supposed to continue to play. As they were supposed to continue to play, it was not possible for them to undergo normal training or promotional course. In such circumstances, DGP for the purpose of uniformity and protect interest of 19 persons devised a mechanism of Condensed Course. The exemption was granted to 19 persons who were appointed during a particular period and on the basis of their achievement in sports. The respondent has exercised power conferred by Rule 13.21 of PPR. The mechanism devised to grant exemption from passing school course cannot be called beyond or contrary to Rules. It is Rule 13.21 itself which permits to grant exemption, thus, there is no gain in claiming that

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Rules. Private respondents who were 19 Sports Persons formed a class as well as category which could be granted relaxation from Chapter 13 of PPR. The orders passed by DGP, followed by a Committee of Officers cannot be called without reasons. The orders are reasoned. The respondent has granted relaxation for the reasons which are duly recorded.

15. Mr. Dhir, during the course of hearing, pointed out that there are may petitioners in the instant petitions who have been made part of Dying Cadre. They were granted promotion in the Dying Cadre and should have no concern with other police officials. They have got promotion in their own cadre.

16. There is another aspect of the matter which needs to be examined. The petitioners as well as private respondents have retired more than a decade back. The petitioners, at this belated stage, cannot be extended benefit of actual promotion with retrospective effect and there is no question of setting aside of promotion already granted to private respondents. A Committee of Officers on the direction of this Court has already examined their claim. The litigation should be put to rest.

17. In the wake of above discussion and findings, instant petitions deserve to be dismissed and accordingly dismissed.

18. Pending application(s) also stand disposed of.

07.03.2025
shivani

(JAGMOHAN BANSAL)
JUDGE

Whether reasoned/speaking	Yes
Whether reportable	Yes