



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

CWP-26820-2015

Date of Decision: 07.08.2025

Balbir Singh

...Petitioner

Versus

State of Punjab and Others

...Respondents

CORAM:- HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. S.S. Swaich, 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 26.11.2015 whereby he has been denied promotion to the rank of Deputy Superintendent of Police (DSP).

2. The petitioner joined Punjab Police Force as Assistant Sub Inspector (Probationer) (ASI) on 01.09.1992. He was granted F-List on 06.07.2011 in Punjab Armed Police (PAP) Cadre. On 27.07.2015 at about 05:15 AM, terrorists from Pakistan came to Dinanagar, District Gurdaspur in Army Uniform. They snatched a Maruti car and attacked Police Station, Dinanagar. The petitioner along with other Policemen reached at Police Station and bravely faced terrorists. He was injured in encounter. He was awarded President's Police Medal for Gallantry vide letter dated 14.08.2015. He is entitled to Rs.3,000/- per month on account of said award. He was also awarded Parakaram Padak along with

Rs.50,000/- vide letter dated 28.08.2015.

3. Mr. S.S. Swaich, Advocate submits that Council of Ministers in its meeting held on 12.08.2015 approved proposal of Additional Chief Secretary, Department of Home whereby employees who had participated in terrorists attack were ordered to be granted additional benefits. It was decided that employees injured during this incident would be promoted and they will get their entire treatment free of cost. The respondent has rejected claim of petitioner on the ground that he has already been awarded Police Medal for Gallantry from the President of India, thus, he is not entitled for promotion. The respondent during the pendency of instant petition has appointed another Inspector Bikramjit Singh Brar as DSP. He was also awarded President's Police Gallantry Award. He had encountered notorious gangster Vicky Goundar on 25.01.2018. He was promoted by decision of Cabinet. If the similarly situated Inspector can be promoted, there is no reason to deny benefit of promotion to the petitioner.

4. *Per contra*, Mr. Aman Dhir, DAG, Punjab submits that services of Non-Gazetted Officer are governed by Punjab Police Rules, 1934. The services of Gazetted Officers which include DSP are governed by Civil Services Rules or Punjab Police Service Rules, 1959 (for short '1959 Rules'). The petitioner has already been awarded Gallantry award, thus, cannot claim further promotion. The promotion of Bikramjit Singh Brar cannot be equated with instant case. He had encountered notorious gangster Vicky Gounder, thus, was appointed as DSP as per decision of Council of Ministers.

5. I have heard learned counsel for the parties and perused the

record with their able assistance.

6. From the perusal of record, it is evident that petitioner actively participated in the encounter with foreign militants. He was injured and admitted in Hospital. He was awarded President's Police Award as well as Parakaram Padak. These awards confirmed participation of the petitioner in Anti Terrorists Front. The Additional Chief Secretary, Department of Home prepared a proposal with respect to recognition of ones who participated in the cross-border attack on 27.07.2015. The matter was considered by Council of Ministers in its meeting held on 03.08.2015 wherein following decision was taken:

"2. A discussion was held in the meeting of the council of ministers held on 3.8.2015 with regard to the issues mentioned in the above mentioned subject and decided as under:-

"After considering the memorandum dated 31 July, 2015 of the department of Home Affairs and Justice, the proposals made in para 2 of the same has been approved as under:-

1. The employees who got martyrdom during the occurrence, the salary got by them till the date of their superannuation would be paid to the members of the family of martyrs.

2. The employees injured during this incident would be promoted and they will get their entire treatment free of cost.

3. An amount of Rs. 1 crore has been approved for the repair of the police Station Dina Nagar.

4. An amount of Rs.5 lacs has been approved for the family members of the civilian who got martyrdom during this occurrence.

5. An amount of Rs.3.00 lacs has been approved for the civilians who got injured during this occurrence and they will get the treatment in Govt. of Private

hospitals free of cost.

6. An amount of Rs.3 lacs and state award has been approved for the driver and a recommendation would be made to the Govt. of India for awarding him with a bravery award and it has also been decided that the driver and conductor of this bus would be given a regular appointment in the same department.

7. The injured homeguard volunteers would be recruited in the police.

8. The next of kin of the martyrs of home guard volunteers would be recruited in the Punjab Police.

9. The person, who has informed to the railway guard regarding the bombs planted on the railway line, Rs. 2 lac each for him and the railway guard has been approved and the timely action taken by them was appreciated.

3. The action taken by the Administrative Department for implementation of the above mentioned decisions of the council of ministers, may be informed to this branch within a period of two weeks.”

7. From the perusal of above quoted decision of Council of Ministers, it is evident that it was unanimously decided that injured employees would be promoted. The respondent has granted benefit of promotion to other employees who were holding rank lower than Inspector. It means the respondent has implemented aforecited decision. The respondent either in reply or orally is not disputing the fact that decision was taken by Council of Ministers and it was implemented *qua* other employees.

8. The respondent is not disputing the fact that Inspector Bikramjit Singh Brar besides President's Police Gallantry Award was appointed as DSP on account of his participation in encounter with notorious gangster Vicky Goundar. Appointment of Bikramjit Singh Brar

was not as per procedure contemplated by 1959 Rules whereas it was because of decision of Council of Ministers. By appointing out of turn Bikramjit Singh Brar as DSP, the respondent has considered that an Inspector may be promoted out of turn. The appointment and promotion to the post of DSP is governed by 1959 Rules. Rule 14 empowers Government to relax any provision for the reasons to be recorded in writing. In the instant case, Government in its meeting considered the incident which took place on 27.07.2015 at Police Station Dinanagar and decided to grant one promotion to each employee. There was conscious decision to grant promotion which was never withdrawn or modified.

9. In the wake of above discussion and findings, this Court is of the considered opinion that petitioner was also entitled to promotion from the rank of Inspector to DSP. Accordingly, the present petition is allowed.

10. It is made clear that petitioner shall not be entitled to any financial benefits for the period he was not holding rank of DSP.

(JAGMOHAN BANSAL)
JUDGE

07.08.2025
Prince Chawla

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