



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

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CWP-26265-2025

Date of Decision: 04.09.2025

GAGANDEEP SINGH

...Petitioner

Vs.

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM:- HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Mansur Ali, Advocate with
Mr. Vaibhav Garg, Advocate and
Mr. Jasreet Singh, Advocate for the petitioner

Mr. Aman Dhir, Deputy Advocate General, Punjab

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner through instant petition under Article 226/227 of the Constitution of India is seeking direction to respondents to consider him for promotion by treating his date of appointment as 16.07.2010 in view of recommendation letters dated 16.07.2010 and 21.09.2010.

2. The petitioner's father passed away in harness. The DGP recommended his name for appointment as ASI. The Home Department vide communication dated 21.09.2010 informed the DGP that appointment of petitioner may be made as per Government instructions, however, petitioner was not issued appointment letter. He was called for interview on 15.07.2011. Chief Minister vide letter dated 26.12.2018 informed the authorities that case of petitioner is fully covered by the instructions of Government. Internal instructions of police department

cannot override Government Instructions, thus, order dated 21.09.2010 may be complied with. The DGP vide letter dated 27.05.2019 informed Director, Bureau of Investigation that Chief Minister has accorded approval for the appointment of petitioner as Head Constable in Bureau of Investigation. The Superintendent of Police, Pathankot vide order dated 23.05.2020 issued appointment letter for the post of Sub-Inspector against temporary post. The petitioner claimed promotion as Inspector, however, respondent vide communication dated 13.07.2022 rejected his request.

3. Learned counsel for the petitioner submits that similarly situated candidates were appointed as ASI in 2010 and at present they are holding rank of Inspector whereas, petitioner was appointed as Sub Inspector in 2020 and eventually he is holding same rank. If he is considered as ASI of 2010, he would be holding rank of Inspector.

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

5. From the perusal of record, it is evident that petitioner's father was holding rank of ASI. He passed away in 2004 while in harness. The petitioner was considered in 2010 for the post of ASI, however, due to reasons known to respondent, appointment letter was not issued. On the intervention of Chief Minister, appointment letter was issued in 2020 and at that point of time he was offered appointment letter for the post of Sub Inspector. He happily accepted appointment letter and joined service. He at this stage is claiming that he should be considered

as ASI from 2010. The claim of petitioner at this stage cannot be countenanced especially in view of the fact that in 2020 he accepted post of Sub Inspector without demur and in 2010 he was considered for the post of ASI. Without service, he was appointed as Sub Inspector. He was appointed on compassionate ground. It is strange that respondent in 2010 agreed to appoint him as ASI, however, did not issue appointment letter and after 10 years issued appointment letter of higher post i.e. Sub Inspector. Petitioner's father was ASI at the time of his death and petitioner was appointed as SI. Claim of the petitioner is not sustainable.

6. In the wake of above factual position, this Court is of the considered opinion that the instant petition deserves to be dismissed and accordingly dismissed.

7. Before parting with the order, this Court would hasten to add that police officers who have adverted to file of petitioner have not discharged their duty in accordance with law. The appointment of petitioner was approved by DGP and State Government as ASI in 2010. He was not issued appointment letter in 2010. Chief Minister asked authorities to issue appointment letter in 2018. Appointment letter was actually issued in 2020 for the post of Sub Inspector means appointment letter was not issued for 10 years and after 10 years appointment letter of higher post was issued. Petitioner's father was ASI and petitioner was issued appointment letter of higher post i.e. SI which seems to be obnoxious and against the service jurisprudence.

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

(JAGMOHAN BANSAL)
JUDGE

04.09.2025
Deepak DPA

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