



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

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**105-1**

**Date of Decision:04.09.2025**

**1. CWP-21072-2025**

JAGDISH SINGH

...Petitioner

Versus

STATE OF PUNJAB AND OTHERS

...Respondents

**2. CWP-10589-2022**

JAGDISH SINGH

...Petitioner

Versus

STATE OF PUNJAB AND OTHERS

...Respondents

**CORAM:- HON'BLE MR. JUSTICE JAGMOHAN BANSAL**

Present:- Mr. Bhrigu Dutt Sharma, Advocate  
for the petitioner

Mr. Aman Dhir, Deputy Advocate General, Punjab

Mr. R.K.S. Brar, Advocate  
for respondent No.7

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**JAGMOHAN BANSAL, J. (ORAL)**

1. As common issues are involved in the captioned petitions, with the consent of both sides, the same are hereby disposed of by this common order. For the sake of brevity and convenience, facts are borrowed from **CWP-21072-2025**.

2. The petitioner through instant petition under Article 226/227 of the Constitution of India is seeking setting aside of order dated 24.06.2025 and order dated 25.06.2025 whereby respondent No.7 has been promoted as Inspector. He is further seeking stay of aforesaid orders.

3. Respondent No.7 was enlisted as Constable in Punjab Armed Police (in short "PAP") on 25.07.2002. On 29.03.2003, he was brought to List C-II (Exemptee). He was promoted as Head Constable on fortuitous and ad hoc basis. His promotion was in excess of 10% quota prescribed under Rules. In view of judgment of this Court in *CWP-13788-1997*, he was reverted to the rank of Constable on 26.02.2004. On the same day, he was again promoted and adjusted against ex-cadre post of Head Constable. On 20.01.2015, he was brought on D-II Exemptee List. He was promoted as ASI w.e.f. 15.12.2016. He was granted List E-II (Exemptee) on 27.03.2019 and thereafter, promoted as Sub-Inspector on 10.06.2019 w.e.f. 24.05.2019. On 24.06.2025, he was brought on List-F (Executive). He was promoted as Inspector vide order dated 25.06.2025.

4. Learned counsel for the petitioner submits that respondent No.7 was always given out of turn promotion. He was promoted in exercise of power conferred by Rule 13.21 of Punjab Police Rules, 1934 (in short "PPR"). The said power cannot be exercised mechanically. The respondent was bound to record reasons before granting out of turn promotion to respondent No.7. Game played by him was not covered by policy of the State Government.

5. *Per contra*, learned State counsel submits that the petitioner has no locus standi to challenge promotion orders of respondent No.7. The State Government created 295 additional posts for sportspersons in Punjab Armed Police. The respondent No.7 was adjusted against additional posts as Head Constable. He was further promoted within 10% out of turn promotion quota. sportspersons to the extent of 5% may be

promoted against 10% out of turn quota. The respondent No.7 was a sports person, thus, he was promoted against 5% quota. The petitioner was always senior to respondent No.7. He has already retired on 31.04.2022 on attaining the age of superannuation. This is an ambush petition.

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 the respondent No.7 was promoted as Head Constable in 2003. He was bound to be reverted in terms of judgment dated 21.04.1998 of this Court passed in **CWP-13788-1977**, titled as “*Swaran Singh Vs. State of Punjab and Ors.*”. The State Government created 295 additional posts for sports persons. Respondent No.7 at that point of time was holding post of Head Constable and his post was protected by way of creating 295 additional posts. He was further promoted against 10% quota. The petitioner as Head Constable, ASI, SI and Inspector was senior to respondent No.7. Out of turn promotion of respondent No.7 never affected promotion of the petitioner.

8. Rule 13.1(3) of PPR provides that there would be six promotion lists. Proviso to said Rule provides that 5% of such promotions may be made from amongst the officers who have achieved outstanding distinction in sports. Rule 13.1(3) of PPR is reproduced as below:-

*“13.1(3) For the purposes of regulating promotion amongst enrolled police officers six promotion lists - A, B,*

*C, D, E and F will be maintained.*

*Lists A, B, C, and D shall be maintained in each district as prescribed in rules 13.6, 13.7,13.8 and 13.9 and will regulate promotion to the selection grade of constables and to the ranks of head constables and assistant sub-inspectors. List E shall be maintained in the office of Deputy Inspectors-General as prescribed in sub-rule 13.10 (1) and will regulate promotion to the rank of sub-inspector. List F shall be maintained in the office of the Inspector-General as prescribed in sub-rule 13.15(1) and will regulate promotion to the rank of inspector.*

*Entry in or removal from A, B, C, D or E lists shall be recorded in the order book and in the character roll of the police officer concerned. These lists are nominal rolls of those officers whose admission to them has been authorised. No actual selection shall be made without careful examination of character rolls.*

*Provided that five per cent of such promotions may be made from amongst the, members of the Police Force, who achieve outstanding distinction in sports field at All India level or International level if they are otherwise eligible for promotion but for Seniority.”*

9. Rule 13.9(2) of PPR provides for 10% out of turn promotion quota. It provides that Head Constables who have not passed promotion course but otherwise are of exceptional merit may be entered in Part-II of List-D. Rule 13.9(2) of PPR reads as:-

*“13.9(2) The names of the Head Constables who qualify at Police Training College in the Promotion Course for Head Constables will be entered in Part-I of List 'D' as soon as they qualify the same. While entering the names in this part they will maintain their seniority inter se. The names of the outstanding Head Constables who have not passed the Promotion Course of Head Constables at Police*

*Training College due to being overage but otherwise are of exceptional merit and are considered suitable may, with the approval of Inspector-General of Police, be entered in Part II of List 'D'. No more than 10 per cent of the posts of Assistant Sub-Inspectors both permanent and temporary will be filled from the names of Part II of List 'D' . This part will not at any time contain names more than two per cent of the cadre strength of Assistant Sub-Inspectors in a range, both temporary and permanent.”*

10. Like Rule 13.9(2) of PPR, there is Rule 13.10(1) which provides for 10% quota.

11. The petitioner is objecting out of turn promotion of respondent No.7 on the ground that DGP did not exercise power under Rule 13.21 of PPR in true spirit. The respondent No.7 was given out of turn promotion. He was not a deserving candidate. The power was not exercised as per mandate and respondent No.7 was mechanically promoted.

12. Contentions of petitioner are misconceived because of more than one reasons. The promotion of respondent No.7 never affected promotion of petitioner. He started filing petitions after his retirement. He has not filed Public Interest Litigation. He seems to be a busybody. He has no locus standi to challenge promotion of respondent No.7 by way of instant petition.

The respondent No.7 was not promoted in exercise of power conferred by Rule 13.21 of PPR whereas he was promoted as per Proviso to Rule 13.1(3) read with Rule 13.9 and 13.10 of PPR. As per these Rules, the sportspersons to the extent of 5% may be promoted out of turn.

The respondent No.7 was promoted out of turn in 2003. His promotion as sports person was never challenged. His further promotions as sports persons were fortuitous. Once he was accepted as sports person in 2003, it is difficult to conclude that he was not sports person for further promotions. The respondent has not exercised power under Rule 13.21 of PPR, thus, objection of petitioner does not sustain.

13. 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.

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

15. The petitioner at this stage submits that respondent has initiated departmental proceedings against him alleging illegal collection of documents of respondent No.7. This Court finds that petitioner has placed on record documents which are more or less in the nature of public documents.

**(JAGMOHAN BANSAL)**  
**JUDGE**

**04.09.2025**  
*Deepak DPA*

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