



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

116

CWP-22504-2024
Date of Decision: 25.02.2025

Des Raj

.....Petitioner(s)

Versus

State of Punjab and others

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. K.S. Hissowal, Advocate,
for the petitioner.

Mr. Aman Dhir, DAG, Punjab.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Articles 226 and 227 of the Constitution of India is seeking setting aside of order dated 24.07.2024 (Annexure P-8) whereby respondent has rejected his claim for promotion to the rank of Assistant Sub Inspector (ASI) from retrospective date.

2. The petitioner joined Punjab Police as Constable on 04.11.1987. He, from time to time, was promoted to higher ranks. He was granted deemed date of promotion to the rank of ASI w.e.f. 27.09.2016. He was supposed to undergo Intermediate School Course (ISC) for the Rank of ASI. The ISC commenced from 11.07.2019 and by said date he had already attained age of superannuation. He was granted exemption and exemption could relate back to the date on which others were assigned for ISC. The respondent, in compliance of directions dated 22.04.2024 passed by this Court in CWP-8763-2024, has passed impugned order. The relevant extracts of the impugned order are



reproduced as below:-

“4. It is pertinent to mention here that, in the year 2017 while finalizing the seniority list of Head Constable, no batch for Intermediate school course was deputed at PPA Phillaur. After, finalizing the seniority list of Head Constable in 2010, three batches were deputed for Intermediate School Course at PPA, Phillaur, which commenced from 01.10.2018, 05.03.2019 and 11.07.2019 respectively. The petitioner was exempted from Intermediate School Course. which commenced from 11.07.2019. The petitioner ASI/LR Des Raj No. 707/LDH was promoted as Assistant Sub-Inspector, vide this office order No. 1114-25/E-1(2) dated 27.01.2020. As per the seniority of ASI of District Cadre issued vide this office letter No. 14078-14178/E-1(2) dated 30.10.2018, name of petitioner is mentioned at seniority No. 3821, wherein petitioner was brought on promotion list D-1 w.e.f. 01.04.2016 and given revised date of ASI w.ef (27.09.2016 But petitioner has retired from Service on 31.03.2019. It is also contended here that while issuing the seniority of ASI the following instructions were issued:-

"The HCs who had not passed IMSC, which is mandatory for promotion in the rank of Assistant Sub-Inspector (till their retirement/death), have not been considered for promotion to the rank of ASI as they do not fulfil the basic criteria for promotion. The HCS who are in service and are required to be given deemed date promotion as ASI as per their seniority but have not passed IMSC are included in seniority and will get promotion dates subject to passing IMSC."

5. It is contended here that the Intermediate School Course which commenced on 05.03.2019, in which HC Raghbir Singh No. 1349/Jal having seniority No.15181 was



given revised date of promotion as Head Constable on 04.04.1999, and was deputed as the last official As such, Head Constable Desraj No. 707/Ldh having seniority No. 15906 and having revised date of promotion as Head Constable on 02.05.1999, was not eligible for this Intermediate School Course. Next batch of Intermediate School Course commenced on 11.07.2019 and officials of this batch allocated for promotion to the rank of Assistant Sub-Inspector, in which HC Des Raj No. 707/Ldh was also allocated to CP Ldh, vide this office letter dated 27.01.2020, but it was found that before the allocation of Head Constables for the promotion as ASI, the petitioner got retired from service on 31.03.2019. As such petitioner was not eligible for promotion in the rank of ASI and order dated 27.01.2020 was amended accordingly. Vide this office letter No. 5021/E-1(8), dated 06.07.2020, his order of promotion as Assistant Sub-Inspector were withdrawn.

6. Therefore, in view of the above mentioned facts, the case of the petitioner has been examined from all legal aspects in this office. It is emphasized that the petitioner was not eligible for promotion to the rank of Assistant Sub-Inspector after retirement, the orders of allocation were withdrawn and amended accordingly by this office letter dated 06.07.2020 Therefore, after due consideration of his case, it was found that petitioner is not eligible for promotion to the rank of Assistant Sub-Inspector. As such, claim of the petitioner for promotion to the rank of Assistant Sub-Inspector effective from the year 2016 cannot be accepted.”

3. Mr. Aman Dhir, DAG, Punjab, who on advance notice is present in Court, points out that petitioner has not challenged orders whereby benefit of higher rank was withdrawn.



4. From the perusal of afore-cited order, it is evident that there is no factual or legal infirmity warranting interference. The petitioner retired prior to date of his eligibility for the post of ASI. Thus, he was rightly denied benefit.

5. Dismissed.

25.02.2025
shivani

(JAGMOHAN BANSAL)
JUDGE

Whether reasoned/speaking
Whether reportable

Yes
No