

<p>OFFICE OF THE DIRECTOR GENERAL OF POLICE PUNJAB, CHANDIGARH.</p>	 <p>ਪ੍ਰਸ਼ਾਸਨ ਵਿੱਗ (ਅਮਲਾ-1 ਸਾਖਾ)</p>	<p>ਦਫਤਰ, ਡਾਇਰੈਕਟਰ ਜਨਰਲ ਪੁਲਿਸ , ਪੰਜਾਬ, ਚੰਡੀਗੜ੍ਹ ।</p>
---	--	--

ORDER

Sub-Inspector Pardeep Singh and others filed the following CWPs in the Hon'ble High Court:

1. CWP No. 4829 of 2011 (O &M) filed by SI Pardeep Singh and others.,
2. CWP No. 6501 of 2013 (O &M),
3. CWP No. 8832 of 2013 (O&M),
4. CWP No. 9902 of 2013 (O &M),
5. CWP No.11081 of 2013 (O&M),
6. CWP No. 24914 of 2013 (O &M),
7. CWP No. 25959 of 2013 (O &M),
8. CWP No. 5806/2014 (O&M),
9. CWP No. 13859 of 2014 (O &M),
10. CWP No. 16313 of 2014 (O & M)

For deciding these writ petitions, the Hon'ble High Court enumerated a common question involved as under:

“If there was no separate cadre of PAP prior to the coming into existence of Punjab Police Act, 2007 then would the petitioners be entitled to a common seniority of those who were allocated to PAP as against who were retained in the general cadre in the field.”

The Hon'ble High Court decided these CWPs on 16.12.2014. The operative part of order/direction is as under:

“Evidently, the Court framed a question as to whether the shifting of the officers from PAP to District Police amounted to a change in the cadre and concluded that it would depend upon the factual situation as to whether PAP and the District Police actually constituted two separate cadres or not. It then when on to affirm that from the pleading of the parties, it was evident that there was no segregation of PAP or District Police cadres. While answering the petition, the Court relied heavily on an assumption by referring to the hypothetical situation to treat the PAP as a separate cadre in

which eventuality, the transfer of an employee from the PAP cadre to the District Police Cadre would not rob the officer of his lien in the PAP cadre and would eventually entitle him to promotion at par with the ones who were junior to him in the PAP cadre. It was also observed in the judgment that the transfer of an officer from PAP to District Police Cadre was merely an administrative order which could not affect the seniority of the concerned officers.

It is thus not difficult to conclude that PAP and the District Police did not constitute any separate cadre prior to 2008 and if that be so, then complete inter-changeability would only suggest that the respondents would be obliged to maintain a joint seniority list of the two categories as to avoid any prejudicial assignment in seniority to the affected officers. Needless to say that after 2008, one separate cadre has been created and the acknowledged administrative instinct of the respondents would naturally dictate a separate seniority.

The aforesaid question posed before this Court is thus answered and it declared that prior to 2008, the respondents would be obliged to maintain a common seniority for both the categories i.e. PAP and District Police.

The petitions are thus disposed of with a mandate to the respondents to recast the seniority of the officers by keeping in view the observations of this court. The respondents would do well to give wide publicity to the exercise proposed to be undertaken and invite the claims and objections from all affected so as to obviate the chances of any objection on this score. While dealing with the matter, the respondents would be at liberty to take an appropriate decision in regard to the individual claims and pass speaking orders in this regard.”

2. In view of the above, the combined final seniority list upto dated 19.02.2008 in the rank of Inspectors have already been finalized and issued, vide this office memo No. 3274-3373/E1(1) dated 10.04.2016. Thereafter, tentative seniority list of Inspectors of District Police Cadre (after 20.02.2008) was prepared and circulated to all Heads of Police, vide memo No. 4762-4861/E-1(1) dated 16.05.2016. This seniority list was also uploaded on Punjab Police website for information of all concerned officials and they were asked

that if they had any objections regarding their seniority they can submit their representations within 7 days.

3. The following 62 officials filed their representations against the tentative seniority and 26 officials out of these sought personal hearing:

S. No.	Name
1.	Inspr. Rupinder Singh, 279/JR
2.	Inspr. Balkar Singh, 254/JR
3.	Inspr. Satinder Kumar, 36/JR
4.	Inspr. Harjit Singh, 7/BR
5.	Inspr. Daljit Singh, 96/J
6.	Inspr. Rakesh Kumar, 37/JR
7.	Inspr. Gurtej Singh, 463/FR
8.	Inspr. Rajesh Snehi, 106/PR
9.	Inspr. Roshan Lal,
10.	Inspr. Sanjeev Goyal,
11.	Inspr. Sanjeev Kumar, 55/JR
12.	Inspr. Hemant Sharma, PR
13.	Inspr. Jaswinder Singh, 16/PR
14.	Inspr. Raj Kumar, 28/Int, 50/JR
15.	Inspr. Kuldeep Singh, 358/BR
16.	Inspr. Raghbir Singh, 401/PR
17.	Inspr. Ranbir Singh, 63/FDR
18.	Inspr. Ravinder Singh, 14/Br
19.	Inspr. Swarn Singh, 1/BR
20.	Inspr. Sarabjit Singh, 30/BR
21.	Inspr. Karambir Singh, 41/JR
22.	Inspr. Dalbir Singh, 43/JR
23.	Inspr. Bharpur Singh, 112/PR
24.	Inspr. Gagandeep Singh, 238/FR
25.	Inspr. Nirvail Singh, 376/Br
26.	Inspr. Sanjiv Kumar, 377/Br
27.	Inspr. Prem Kumar, 252/FR
28.	Inspr. Dilbar Singh, 378/BR
29.	Inspr. Harbhajan Lal, 50/FDK Inspr. Sukhwinder Singh, 114/PR
30.	Inspr. Gurdeep Singh 35/PR
31.	Inspr. Sukhbir Singh, 103/PR
32.	Inspr. Manjit Singh No. 182/JR
33.	Inspr. Prem Singh, 437/PR
34.	Inspr. Hardeep Singh, 258/PR (12/GRP)
35.	Inspr. Bhupinder Singh, 22/FDR
36.	Inspr. Rajan Parminder Singh, 382/PR
37.	Inspr. Sarwan Singh, 175/JR
38.	Inspr. Jatinder Singh, 366/PR
39.	Inspr. Surinder Singh, 293/BR
40.	Inspr. Kanwalpreet Singh, 331/BR

41.	Inspr. Sikander Singh 275/BR
42.	Inspr. Preetinder Singh, 264/BR
43.	Inspr. Ravinder Singh, 286/BR
44.	Inspr. Harminder Singh, 274/BR
45.	Inspr. Onkar Singh, 349/BR
46.	Inspr. Gurbakhshish Singh, 27/FDR
47.	Inspr. Dilpreet Singh, 28/PR
48.	Inspr. Satwant Singh, 339/PR
49.	Inspr. Sukhbir Singh, 103/PR
50.	Inspr. Nachhatar Singh, 312/JR
51.	Inspr Manoj Kumar, 425/BR
52.	Inspr. Ravi Sher Singh, 298/BR
53.	Inspr. Ajay Kumar, 307/Br
54.	Inspr. Hardeep Singh, 300/BR
55.	Inspr. Sanjeev Kumar, 338/BR
56.	Inspr. Rajnish Kumar, 94/PR
57.	Inspr. Pardeep Singh, 247/PR
58.	Inspr. Ranjit Singh, 376/PR (269/BR,, 578/PR, 66/BRT)
59.	Inspr. Sanjeev Kumar, 338/BR
60.	Inspr. Shaminder Singh, 146/PR
61.	Inspr. Harinder Singh, 776/PAP, 1643/PAP, 352/BR
62.	Inspr. Nirmal Singh, 25/R

4. To examine the representations of the officers/officials, a Committee comprising of the following officers was constituted:

- | | |
|--------------------------------|----------|
| 1. DIG/Admn. | Chairman |
| 2. AIG/Pers | Member |
| 3. Sh. M.S Gill, Legal Advisor | Member |
| 4. Sh. Ashok Goyal | Member |
| 5. Supdt/Estt-1 | Member |

5. The officials who had requested for a personal hearing, were called by the Committee and were given patient hearing by the members of Committee. Only 15 officials appeared before the Committee. During their personal hearing, these officials raised the following points:

- i. That the seniority has not been prepared as per PPR 12.2(3). In reality, they want that the seniority be fixed from the rank of Head Constable onwards, instead of ASI rank, as has been done presently.
- ii. That the Hon'ble High Court had not ordered that the seniority be prepared from the rank of ASI.

- iii. That on bifurcation of the two cadres – District Police Cadre and PAP Cadre, on 20.02.2008 the allocation of officials have not been done correctly. They have contended that after separation of cadres, the officials of PAP were getting promotion to the rank of Inspector 3 years prior to the District Police Officials. Some of them have stated that the officers should have been given a choice for choosing their cadre at the time of separation of cadres.
- iv. That the decision regarding 60:40 ratio of officials from district and other cadres to be promoted in the rank of DySP may be reviewed/withdrawn.

6. Since a lot of representations/objections/claims were common in nature, it was decided by the Committee to club similar issues together. The representations/objections/claims were examined by the Committee thoroughly, and while deciding the Issues, the officials who had sought personal hearing were given a patient hearing by the members of the Committee. The representations/objections/claims of the officials are decided as under:

(i) Name of the officials:

- 1. Inspr. Rupinder Singh, 279/JR**
- 2 . Inspr. Balkar Singh, 254/JR**

They have raised an objection that a seniority list of 1359 Inspectors was circulated, vide No. 3274-3373/E-I(I) dated 10.04.16. Out of total 1359 Inspectors, 126 Inspectors belonging to District Police Cadre have since retired from service between February, 2008 and January, 2010. The Punjab Govt. had created 200 new posts of Inspectors, vide Notification No. 9/41/2009/6H3/228 dated 29.01.10. As such, a total of 326 vacancies became available as on 01.02.2010. As per seniority list issued, vide No. 4762-4861/E-I(I) dated 16.05.16, the names of 200 Inspectors have been placed in Promotion list 'F' w.e.f. 01.02.2010, but names of 126 Sub-Inspectors have not been placed in promotion list 'F'. Names of 126 more SI may be placed on list 'F' dated 01.02.2010.

While deciding the petitions, the Hon'ble Punjab and Haryana High Court have passed orders that if there was no separate cadre of PAP prior to the coming into existence of Punjab Police Act, 2007 then would the petitioners be entitled to a common seniority of those who were allocated to PAP as against who were retained in the general cadre in the field. After 2008, a separate cadre has been created and the acknowledged administrative instinct of the respondents would naturally dictate a separate seniority. In view of these orders, combined seniority list have been prepared upto 19.02.2008 and circulated vide this office 3274-3373/E-1(1) dated 10.04.2016. On the administrative and

operational grounds, it has been decided that the officials working in Armed Police on 19-02-2008 have been allotted to Armed Cadre and those whose working in District Police have been allotted to District Police Cadre. Both the petitioners were appointed as ASI in the year 1992 and since then, they are working in districts.

After recast of common seniority it has been found that, on 20-02-2008, the day four separate cadres as per section 4 of Punjab Police Act 2007 came into existence, the District Cadre had 636 serving officials in the rank of Inspectors against the sanctioned strength of 493, whereas Armed Battalion Cadre had 121 serving officials in the rank of Inspectors against the sanction strength of 264. This implies a total of 143 inspectors were in excess in district cadre on 20-02-2008. The next 'F' list in District Cadre after 20-02-2008 was given on 01-02-2010 against 200 newly sanctioned posts of Inspectors and the next 'F' list thereafter in District Cadre has been given on 06-07-2011 when the vacancies were created on account of retirement and promotion and after the adjustment of 143 inspectors who were in excess as on 20-02-2008. As such the claim of representationists for grant of 'F' list to 126 more officials on 01-02-2010 is not made out as there were no vacancies apart from 200 newly created posts against which 'F' list could have been granted to them. Hence their claim is hereby rejected.

(ii) Name of officials: 1. Inspr. Satinder Kumar, 36/JR, 2. Inspr. Harjit Singh, 7/BR, 3. Inspr. Daljit Singh, 96/J, 4. Inspr. Rakesh Kumar, 37/JR, 5. Inspr. Gurtej Singh, 463/FR, 6 Inspr. Rajesh Snehi, 106/PR, 7. Inspr. Roshan Lal, 8. Inspr. Sanjeev Goyal, 9. Inspr. Sanjeev Kumar, 55/JR, 10. Inspr. Hemant Sharma, PR, 11. Inspr. Jaswinder Singh, 16/PR, 12. Inspr. Raj Kumar, 28/Int, 50/JR, 13. Inspr. Kuldeep Singh, 358/BR, 14. Inspr. Raghbir Singh, 401/PR, 15. Inspr. Ranbir Singh, 63/FDR, 16. Inspr. Ravinder Singh, 14/Br, 17. Inspr. Swarn Singh, 1/BR, 18. Inspr. Sarabjit Singh, 30/BR, 19. Inspr. Karambir Singh, 41/JR, 20. Inspr. Dalbir Singh, 43/JR, 21. Inspr. Bharpur Singh, 112/PR, 22. Inspr. Gagandeep Singh, 238/FR, 23. Inspr. Nirvail Singh, 376/Br, 24. Inspr. Sanjiv Kumar, 377/Br, 25. Inspr. Prem Kumar, 252/FR, 26. Inspr. Dilbar Singh, 378/BR, 27. Inspr. Harbhajan Lal, 50/FDK, 28. Inspr. Sukhwinder Singh, 114/PR, 29. Inspr. Gurdeep Singh 35/PR

They have raised following issues:

a) That they are Probationary ASIs of 1991 batch. SIs Kamaljit Singh, 19/CID, Ravinder Singh, 21/CID and Saroop Singh, 20/CID, who were enlisted on 07.09.1992 as stenographer, have been placed above them in the seniority list of Inspectors.

It has been found from the record that Inspr. Kamaljit Singh 19/CID, Inspr. Ravinder Singh 21/CID & Inspr. Sarup Singh 20/CID were appointed ASI (Language

Stenographer) by the DIG/CID under rule 12.3(A) of PPR. As per proviso in Appendix 12.3 (A) "they will be eligible for promotion to the rank of SI (Urdu Stenographer) after 3 years of service".

Their names had been brought on list E-1 w.e.f 01.04.1999 after passing Upper School Course and further promoted to the rank of SI w.e.f 06.12.1999. The proviso under Appendix 12.3 (A) also provides for transfer of such Urdu stenographers to the executive line and read as follows:

"After passing the course they may be considered for absorption in the permanent Executive Cadre of the Special Branch".

As such, the officials appointed in Intelligence wing as Urdu stenographer under Appendix 12.3-A have been promoted and transferred to executive line strictly as per rules and there is no cause of action to challenge their entry into the seniority list of Sub-Inspector. As such the claim holds no merit.

b) That P/Insprs. Sarabjit Kaur, TP/134, Sukhamrit Singh, TP/135, Harsimrat Singh, TP/137 and Jaspal Singh, TP/138 have been granted 'F' list w.e.f. 02.06.08, 13.06.08, 16.04.09 and 27.06.09 respectively, whereas they have been granted 'F' list w.e.f. 01.02.10. They have requested that they may be assigned 'F' list as per vacancies from 21.02.2008 to 01.01.2010.

It has been observed that the officials mentioned above had been enlisted as P/Insprs. w.e.f. 02.06.08, 13.06.08, 16.04.09 and 27.06.09 and they were assigned seniority from the date of their enlistment. The petitioners cannot claim seniority over and above these officials. As such the claim holds no merit.

c) That the State Govt. on 18.05.2011 had created 207 posts and fixed their criteria for promotion. Some sportsmen have been granted list 'F' w.e.f. 01.01.2010 and on the basis of clarification given in the case of DySP Harjinder Singh No. 866/PR, all the sportspersons have been given list 'F' w.e.f 01.01.2010. They have requested that the seniority of sportsmen may be fixed as per State Govt. memo dated 18.05.2011 and all the sportsmen may be given promotion as per their sports achievements.

It has been found that the State Govt., vide memo dated 18.05.2011, had created dying Cadre posts for 207 sportspersons in which Govt. had clarified that they will be considered for promotion as and when their batchmates of General Cadre are considered for promotion. As a result, in view of the Govt. instructions/guidelines issued from time to time, these sportspersons have been promoted from the dates on which their batchmates in the general cadre got promoted. Further these officials hold ex-cadre/dying

cadre posts which are outside the general cadre. As such, the representationists have no grounds of comparison or parity with them neither they have any regular common seniority with these sportspersons.

d) That the eligibility date from which they have been assigned revised dates of promotions may be checked thoroughly.

The Committee noted that all CPs, Range DIsG and AIG/GRP Punjab, Patiala have been requested to scrutinize the service record of all the officials/officers mentioned in the proposed list 'F' seniority and certify as to whether they are eligible for grant of List 'F', i.e. their service record should be satisfactory and no DE/VE/Crl. case should be pending against the official/officer from the date they are proposed to be assigned list 'F'. On the receipt of their report, only eligible officials are being given promotion 'F' list. Hence, the objection raised has already been addressed and no further action is required.

e) That the Armed Bns. have given 'F' list to their juniors w.e.f 21.02.2008 whereas they have been given 'F' list w.e.f 01.02.2010. As such, they may be assigned seniority over and above these officials.

The views of this office as illustrated with regard to objection raised by Insp. Rupinder Singh 279/JR and Insp Balkar Singh 254/JR are reiterated. Further, it is observed that Punjab Police Act 2007 came into force w.e.f. 20.02.2008. As per provision 4(b), there will be separate seniority list of each Cadre. As such, they cannot claim seniority over and above the officials of other cadre.

f) The officials mentioned from Sr. No. 15 to 26 have stated that some of their batchmates have been given list 'F' w.e.f. 01.02.2010, whereas they have been given list 'F' w.e.f. 06.07.2011. They have undergone Upper School course with their batchmates who have been given list 'f' dated 01.02.2010, as such they may also be given list 'F' w.e.f. 01.02.2010.

It is observed that the 'F' list has been given as per the availability of vacancies. No official who is junior to the Officials mentioned therein has been assigned 'F' list prior to them. As such, they cannot claim parity with their batchmates who are senior to them in seniority.

Hence, the objections raised cannot be accepted and the same are liable to be rejected.

(iii) Name of official: Inspr. Sukhbir Singh, 103/PR

a) He has raised an objection that why the cut off date 01.02.2010 has been chosen for promotion, whereas all such vacancies were available w.e.f. 01.01.2010. He has prayed that his date of promotion as Inspector may be changed from 01.02.2010 to 01.01.2010.

It is observed that the Punjab Govt. had created 200 New posts of Inspectors for District Cadre vide Notification No. 9/41/2009/6H3/228 dated 29.01.10. Therefore, 200 Sub-Inspectors have been promoted against these newly created posts w.e.f 01.02.2010. Resultantly, they cannot be assigned seniority prior to 01.02.2010. The views of this office as illustrated with regard to objection raised by Insp. Rupinder Singh 279/JR and Insp Balkar Singh 254/JR are reiterated. In view of the same, no further action needs to be taken on the instant objection.

b) He has further stated that he is senior to Insprs. Sanjiwan Guru, 134/PR, Pritpal Singh, 36/FDR, Dalbir Singh, 342/PR, Prem Singh, 437/PR, Jarnail Singh, 1695/BTL, Sukhwinder Singh, 1521/BTL. He has requested that necessary rectification in record should be done and these officials should be kept below him in the final seniority.

It has been found that Insprs. Sanjiwan Guru, 134/PR, Pritpal Singh, 36/FDR, Dalbir Singh, 342/PR, Prem Singh, 437/PR, Jarnail Singh, 1695/BTL, Sukhwinder Singh, 1521/BTL have been given E-II, Promotion as SI and promotion list 'F' (Executive) under PPR 13.21 by the competent authority while deciding the case at that particular point of time, and the same cannot be revised at this stage. As such, their claim regarding the seniority over and above these officials is not maintainable and is hereby rejected.

(iv) Name of official: Inspr. Manjit Singh No. 182/JR

He has raised an objection that his name has been placed at Seniority No. 1691, whereas the name of Inspr. Balkar Singh No. 254/JR has been placed at Sr. No. 1690. He has contended that both of them had been enlisted as P/ASIs on same day, i.e. on 24.06.1992 and as per State Govt. Instructions dated 17.12.14, if two and more employees are enlisted on the same date, the older in age shall be given higher seniority. He has requested that his name may be placed higher to Inspr. Balkar Sigh No. 254/JR

After scrutinizing the record, the objection raised by Insp. Manjit Singh No 182/JR has been accepted and his name is to be placed above Insp. Balkar Singh No 254/JR. As they both were appointed on the same date i.e. 24-06-1992 and subsequently granted

'E' list on the same date i.e. 01-10-2004. As such the claim of Insp. Manjit Singh 182/JR for seniority on account of being senior in age is accepted.

(v) Name of official: Inspr. Prem Singh, 437/PR

He has raised objection that his name has been placed at seniority No. 1987 i.e. below Inspr. Bant Singh No. 431/PR. His name was brought on promotion list E w.e.f. 20.07.2003, whereas the name of Inspr. Davinder Singh No. 416/PR, seniority No. 1925, has been brought on list 'E' w.e.f. 01.04.2005. He has requested that his name may be placed at seniority No. 1923 i.e. above Inspr. Davinder Singh No. 416/PR.

Inspr. Davinder Singh 416/PR and Bant Singh 431/PR had been appointed Probationer ASI in the year 1993. They were given revised dates of promotion as SI w.e.f. 16.09.2003 and 07.06.2004 respectively. Whereas, Prem Singh 437/PR had been promoted as ASI on 16.04.2003 and was subsequently granted E-II w.e.f 20.07.2003 and promoted to the rank of Sub-Inspr. w.e.f. 07.06.2004 under rule 13.21 of Punjab Police Rules. In the revised seniority list, the date of promotion in the rank of Sub-Inspector of Insp Prem Singh has not been changed. He has been placed at Sr. No. 2723 below probationer ASI Davinder Singh and Bant Singh in the seniority list of Sub-Inspectors. As such, his name has rightly been placed in the tentative seniority list. He cannot claim seniority over and above these officials. Hence, the objection raised cannot be accepted and the same is hereby rejected.

(vi) Name of official: Inspr. Hardeep Singh, 258/PR (12/GRP)

Inspr. Hardeep Singh No. 258/PR appeared before the IGP/Hqrs. 31.05.2016 and submitted his representation dated 17.04.2013.

a) In his representation, he has submitted that he was enlisted as P/ASI in the year 1992. As per combined merit list, his name stands at Sr. No. 35, whereas the name of SI Dev Dutt No. 790/PAP stands at Sr. No. 220. Inspr. Dev Dutt No. 790/PAP has been promoted to the rank of DySP w.e.f. 28.02.2013. He has requested that similar benefit may be given to him being his senior.

It has been found that the Seniority of ASI, SI and Inspectors have been revised as per orders of Hon'ble High Court. In the tentative revised seniority list of Inspectors, Insp. Hardeep Singh has been placed at Sr. No. 1716 over and above Sh. Dev Dutt whose name is mentioned at Sr. No. 1857 of the seniority list. Both these officials have been granted 'F' list w.e.f 06.07.2011. As such Sh. Dev Dutt is junior to the representationist. The mandate to this office is regarding the finalization of the seniority. Insp. Hardeep Singh and Insp. Dev Dutt both have been assigned their due seniority as

mentioned above and consequential action shall be undertaken by the department subsequently. No action on the instant objection needs to be taken at this stage.

b) He has further submitted that Inspr. Sanjeevan Guru, 134/BR, Inspr. Maheshinder Singh No. 393/BR and Inspr. Surinder Singh No. 395/BR (ASIs of 1993 batch) are junior to him but have been placed above him in the seniority list.

It has been found that Insprs. Sanjiwan Guru, 134/PR, Inspr. Maheshinder Singh No. 393/BR and Inspr. Surinder Singh No. 395/BR have been given promotion under PPR 13.21. The name of Inspr. Hardeep Singh has been placed Sr. No. 1716 whereas the names of other officials mentioned therein have been placed at 1930, 1970 and 2029 in the tentative seniority list of Inspectors circulated vide memo dated 10.04.2016.

(vii) Name of officials : 1. Inspr. Bhupinder Singh, 22/FDR, 2. Inspr. Rajan Parminder Singh, 382/PR, 3. Inspr. Sarwan Singh, 175/JR, 4. Inspr. Jatinder Singh, 366/PR, 5. Inspr. Surinder Singh, 293/BR, 6. Inspr. Kanwalpreet Singh, 331/BR, 7. Inspr. Sikander Singh 275/BR, 8. Inspr. Preetinder Singh, 264/BR, 9. Inspr. Ravinder Singh, 286/BR, 10. Inspr. Harminder Singh, 274/BR, 11. Inspr. Onkar Singh, 349/BR, 12. Inspr. Gurbakhshish Singh, 27/FDR, 13. Inspr. Dilpreet Singh, 28/PR, 14. Inspr. Satwant Singh, 339/PR, 15. Inspr. Sukhbir Singh, 103/PR, 16. Inspr. Nachhatar Singh, 312/JR, 17. Inspr. Manoj Kumar, 425/BR, 18. Inspr. Ravi Sher Singh, 298/BR, 19. Inspr. Ajay Kumar, 307/Br, 20. Inspr. Hardeep Singh, 300/BR, 21. Inspr. Sanjeev Kumar, 338/BR

They have submitted a joint representation in which they have contended that they are probationer ASIs of 1992 & 1993 batch.

a) That the Police Deptt. has recast the seniority from the date of appointment in the rank of ASI between District Police Cadre and PAP cadre under the common seniority prior to 2008 without maintaining the relative seniority in lower subordinate ranks, which is the first promotional rank, i.e. HC in the ladder of ranks of Police Deptt. The promotee ASIs of PAP got accelerated promotions in the rank of Head Constable to ASI over and above the promotee ASIs of District Police. The junior Head Constable of PAP got early promotion to the rank of ASI in comparison to their senior counterparts of District Police. These rapid promotions further accelerated the promotions of promotee ASIs of PAP in the rank of SI, Inspr. and DySP.

It has been found that the vacancies of the Head Constables in the districts were filled by conducting B-I test as provided under rule 13.7 of Punjab Police Rules, 1934. Similar was the practice in the Punjab Armed Police where separate test used to be conducted for filling up the vacancies of the Head Constables. The standards/syllabi for the

B-1 test of Districts and PAP was different. Further, since the promotions to the rank of Head Constable were done at District Level, where different districts had different vacancies, therefore there cannot be any common ground that can be established today. To elaborate this issue, consider a situation where a candidate appearing and scoring higher marks in B-1 in one district may not have been selected due to less number of vacancies as compared to other large district where vacancies were in plenty. Further, different districts promoted officials on different dates. As such, no common date for seniority can be fixed. Therefore the C-I list of the district police as well as of PAP cannot be clubbed for the purpose of promotion as Head Constable and further promotion as ASI. Hence, no parity can be reached in equating and further recasting of common seniority at the rank of C-1/HC.

b) That they have given joint representation against the tentative seniority of ASI's and SIs but till date no speaking order on their representations has been passed. The Police Deptt. has finalized the final seniority of SIs and circulated tentative seniority lists of Inspectors on 14.03.16 and 17.03.16 respectively. This process is against the natural justice and is also a non compliance of the Court directions of the judgement in CWP No. 4829 of 2011 "regarding appropriate decision in regard to the individual claims and pass speaking orders." Hence the final seniority lists of ASIs, SIs and tentative seniority lists of Inspectors have been issued without passing speaking orders on the representations made by them and in violation of provisions given under PPR, Article 16 of Constitution of India and the Precedents settled by apex court.

It has been found that the objections raised by the petitioner as well other officials against tentative seniority list of ASI and SIs have already been decided and conveyed to all officials vide Order No. 3046-3145/E-I(2) dated 08.04.2016 by way of passing speaking orders and the same was uploaded on the official website of Punjab Police. As such, there is no violation of provisions given under PPR, Article 16 of the Constitution of India and precedents settled by the Hon'ble Apex Court.

c) That roster point may not be treated as seniority point.

It has been found that the Department of Personnel, vide instructions dated 10.10.14 has requested all Heads of Police Offices to implement the Govt. Instructions regarding reservation issued from time to time. After the receipt of the said Letter dated 10.10.14, many departments have started recasting the seniority in favour of General Category employees and resultantly making reversion of SC employees. The Department of Personnel has requested to the Secretary to the Govt. of Punjab vide letter dated

05.01.2016 to withdraw the letter dated 10.10.2014 which has created a lot of confusion among the departments while determining the seniority of employees. No clarification has been issued by the Govt. so far. This office has also sought clarification vide memo No. 1134/Con SA 3 dated 03.03.2016 but no clarification has been received in this office. As such, decision in this regard will be taken on receipt of clarification from the Govt.

d) That the officials mentioned at Sr. No. 2544 to 2598 are ex-cadre and have been retained in service despite the decision of division bench of Hon'ble Punjab & Haryana High Court passed in the CWP No. 13788 of 1997 wherein it was held that they should not be promoted in general cadre. This anomaly is not sustainable in the eyes of law and is subject to judicial scrutiny, so it is required to be removed from the General Cadre.

It has been found that the State Govt. vide its notification dated 28-12-2006 created 295 temporary cadre posts for outstanding sportspersons by relaxing provisions of Rule 12.3 of PPR 1934 allowing direct recruitment. Consequently, 295 sportspersons stand recruited from the date they were appointed in ex-cadre post dated 05.12.2003. Now, in the revised seniority these 53 (later increased upto 56) Sub-Inspector sportspersons of PAP have been included in the final seniority list of SIs w.e.f. 05.12.2003. Since, these officials have been considered to be recruited on 05.12.2003, these sportspersons have been rightly adjusted in the present seniority. As per their claim vis a vis these 295 sportsmen adjusted on equal number of cadre posts, the matter has already been agitated in the Hon'ble High Court vide CWP No. 4986 of 2012 titled Vinod Kumar and others. The Hon'ble High Court passed the following orders dated 8.10.15:

“The moot question is whether the candidates who were retained in service in 2003 despite the decision of the Division Bench should be promoted in the hierarchy of posts in main Punjab Police cadre lest the respondents occupy cadre posts when they are ex-cadre to begin with. Let an affidavit be filed by the State Government explaining its views.”

The matter is already under consideration of the Hon'ble High Court. Therefore, any decision taken as on date shall be inappropriate and the final decision of the Hon'ble High Court in CWP mentioned above should be awaited before taking any further action in this regard. Further, it is worth mentioning that as on date the seniority of the applicants has been rightly decided in view of the criteria arrived at before recasting of common seniority.

e) That protection in rank and pay to the 46 DySPs and 18 Inspr. (serving) who were facing reversion from DySP to Inspr rank and Inspr. to SI have been given by the Cabinet decision of Council of Minister after the common seniority of SIs prior to 2008 was publicized in the news paper dated 30.04.16 without giving justice to them. This decision of the State Govt. is arbitrary, discriminatory and unfair to them and is a sort of denial to justice. They being senior in the common seniority list prior to 2008 should be given parity in the rank of DySP/Inspector with those officials who were junior to them, alongwith pay protection.

It has been observed that the State Govt. decided in a Cabinet Meeting of Council of Ministers held on 30.04.2016 (conveyed vide letter No. 4/21/2016-05H3/1126 dated 05.05.16), to create 64 Ex-cadre posts for General officials and 41 dying cadre posts for sportspersons of Armed cadre for those officials of Armed cadre who are facing reversion after the recast in the Seniority is undertaken. Further, the objection raised does not relate to recasting of seniority.

Hence, the objections raised by the representationists cannot be accepted and the same are hereby rejected.

(ix) Name of official: Inspr. Rajnish Kumar, 94/PR, Inspr. Pardeep Singh, 247/PR

a) He has raised objection that in the Seniority of Inspr. circulated vide No. 3274-3373/E-I(I) dated 10.04.16 upto 20.02.2008, 181 officials of PAP were promoted as Inspector, whereas sanctioned strength of PAP is 179, so 02 excess Inspr. of PAP were promoted. ADGP/Armed Bn vide memo No. 9731-9830/CB-SA-1 dated 28.04.2016 has issued seniority of Inspr. in which 143 officials have been given list 'F' dated 21.02.2008. Due to this, upto 21.02.2008, total 324 Inspr. of PAP got promotion list 'F' whereas at that time their sanctioned strength is 179. Why these 143 posts were not given to District Police.

The views of this office as illustrated with regard to objection raised by Insp. Rupinder Singh 279/JR and Insp Balkar Singh 254/JR are reiterated. In view of the same, no further action needs to be taken on the instant objection.

b) That in the final combined seniority of Sub-Inspectors, he is senior to Sh. Partap Singh No. 1033/PAP now DySP, Sh. Bhagwant Singh No. 563/PAP, DySP, Sh. Krishan Dev No. 573/PAP, who are given list 'F' dated 21.02.2008 and 01.01.2010 in Armed Cadre whereas he was assigned list 'F' dated 06.07.2011. Resultantly, he would become junior to these officials who were their juniors and ultimately he will accordingly be considered for the next promotion after these Officials.

It is observed that Punjab Police Act 2007 came into force w.e.f. 20.02.2008. As per provision 4(b), there will be separate seniority list of each Cadre. Therefore, officials of one cadre cannot claim seniority over and above the officials of other cadre.

c) That there are 354 serving Inspectors in the seniority issued by ADGP/Armed Bn vide memo No. 9731-9830/CB-SA-1 dated 28.04.2016, whereas their sanctioned strength is 249. So they have given wrong promotion to 105 Inspectors.

The tentative seniority of Inspectors in the Armed Cadre has been prepared by office of ADGP Armed Battalion, Jalandhar Cantt. based upon the available vacancies after 20-02-2008. The representationist have no cause of action against the tentative seniority so prepared in a different cadre as they belong to district cadre and the seniority after 20-02-2008 is to be maintained separately in each of the cadres.

d) He has challenged the bifurcation of Inspectors after 20.02.2008 and raised question that why the P/ASIs of 1990, 1992 and 1993 batch, who originally joined in PAP, were not treated in the PAP cadre. Why Sh. Dev Dutt No. 790/PAP (P/ASI of 1992 batch) who joined in PAP was not included in the PAP cadre.

On the administrative and operational grounds, it has been decided that the officials working in Armed Police on 19-02-2008 have been allotted to Armed Cadre and those whose working in District Police have been allotted to District Police Cadre. However, the details in this regard have already been explained in the foregoing para of issue No. (i).

Hence, the objections raised by the representationists cannot be accepted and the same are hereby rejected.

(x) Name of official: Inspr. Ranjit Singh, 376/PR (269/BR, 578/PR, 66/BRT)

He has raised objection that he is P/ASI of 1992 batch and his merit No. is 81. He is senior to Inspr. Dev Dutt No. 291/BR (now DSP), merit No. 220, in all promotions. He has requested that he may be given due promotion over and above Sh. Dev Dutt, No. 291/BR, DSP.

With regard to the issue mentioned at (a) above, it has been found that the Seniority of ASI, SI and Inspectors have been revised as per orders of Hon'ble High Court. In the tentative revised seniority list of Inspectors, Insp. Ranjit Singh has been placed at Sr. No. 1749 over and above Sh. Dev Dutt whose name is mentioned at Sr. No. 1857 of the seniority list. Both these officials have been granted 'F' list w.e.f 06.07.2011. As such Sh. Dev Dutt is junior to the representationist. The mandate to this office is regarding the finalization of the seniority. Insp. Ranjit Singh and Insp. Dev Dutt both have been assigned

their due seniority as mentioned above and consequential action shall be undertaken by the department subsequently. No action on the instant objection needs to be taken at this stage.

(xi) Name of the official: Inspr. Sanjeev Kumar, 338/BR

He has raised objection that he is P/ASI of 1993 batch, but Inspr. Sanjiwan Guru No. 158/PR, who was enlisted on 14.05.1994 has been placed above him.

Insp Sanjiwan Guru, 134/PR and Insp Sanjeev Kumar 338/BR were appointed as P/ASI in the year 1993. Name of Sanjiwan Guru, 134/PR was brought on list E-II w.e.f 02.05.2003 and subsequently promoted as SI on 20.10.2003 under PPR 13.21 by the competent authority. Whereas, Sanjeev Kumar 338/BR was promoted as Sub-Inspr. w.e.f 02.08.2006. According to seniority in the rank of Sub-Inspector, Sh. Sanjiwan Guru was promoted as Inspr. w.e.f. 06.07.2011 in accordance with the seniority in the rank of Sub-Inspr. As a result, his name was brought at Sr. No. 1930 in the revised seniority of Sub-Inspector. The promotion that was given to Sh. Sanjiwan Guru under PPR 13.21 was given by the competent authority deciding his case at that particular point of time; the same cannot be revised at this stage. Therefore, he cannot claim seniority over and above Sh. Sanjiwan Guru. Hence, the objection raised by him cannot be accepted at this point of time and the same is hereby rejected.

(xii) Name of the official: Inspr. Shaminder Singh, 146/PR

He has raised objection that his seniority in the rank of Inspector be fixed as per this office order No. 15867/E-I(I) PB-2011 dated 24.12.2011 vide which his name was brought on promotion list 'F', out of turn, under PPR 13.21 and he may be granted promotion as Inspector w.e.f. 24.12.2011 with all consequential benefits.

After perusal of the record, it has been found that in the year 2011 the case of SI Shaminder Singh No. 146/PR for grant of out of turn promotion list 'F' (Executive) under PPR 13.21 was considered and after giving due consideration to the facts of the case, SI Shaminder Singh No. 146/PR was granted local rank of Inspector instead of out of turn promotion. He had submitted his representation to implement the order dated 24.12.2011, which has already been rejected vide this office memo No. 7125/E-I(1) dated 22.08.14. No action is required to be taken at this stage. Hence, the objection raised by him cannot be accepted at this point of time and the same is hereby rejected.

(xiii) Name of official: Insp. Harinder Singh, 776/PAP, 1643/PAP, 352/BR

He has raised objection that he was enlisted as P/ASI in the year 1992 and joined in PAP and allotted Regt. No. 776/PAP and 1643/PAP. He served in the Punjab Armed Police from 1992 to 2004. He was deputed for Upper School Course by PAP (3rd IRB). In the year 2004, he was transferred from PAP to Border Range and allotted No. 352/BR and now posted in Counter Intelligence, Amritsar. In compliance of the orders of Hon'ble High Court passed in CWP No. 6829/2011, his batchmate Sh. Dev Dutt No. 790/PAP has been given seniority of Armed Cadre and further promoted to the rank of DySP. He has requested that his case may also be considered on the same grounds and he may also be given seniority of PAP and promoted to the rank of DySP.

With regard to the issue raised by the representationist, the Seniority of ASI, SI and Inspectors have been revised as per orders of Hon'ble High Court. In the tentative revised seniority list of Inspectors, Insp. Harinder Singh has been placed at Sr. No. 1822 over and above Sh. Dev Dutt whose name is mentioned at Sr. No. 1857 of the seniority list. Both these officials have been granted 'F' list w.e.f 06.07.2011. As such Sh. Dev Dutt is junior to the representationist. The mandate to this office is regarding the finalization of the seniority. Insp. Harinder Singh and Insp. Dev Dutt both have been assigned their due seniority as mentioned above and consequential action shall be undertaken by the department subsequently. No action on the instant objection needs to be taken at this stage.

(xiv) Name of official: Insp. Nirmal Singh, 25/R

He has raised objection that:

a) His name is placed at seniority No. 2768 after SI Jaswinder Singh No. 67/Int who was enlisted as P/ASI about 3¾ years later on 04.10.1993 whereas at that time, he had already passed Upper School Course.

It has been observed that it is admitted that ASI Nirmal Singh 25/R was appointed as an ASI in the year 1990 and Jaswinder Singh No. 67/Int was appointed as an ASI on 04.10.1993. The name of ASI Nirmal Singh 25/R was considered for promotion to the rank of Sub-Inspr. w.e.f 1998 but due to adverse Service record, he was not found fit for promotion. ADGP GRP, who is the controlling authority, after scrutinizing the service record, had intimated to this office that he is eligible for promotion to the rank of SI w.e.f 01.04.2005. Sh. Jaswinder Singh 67/Int. is promoted to the rank of SI w.e.f 24.08.2004 as per his seniority. Subsequently, Jaswinder Singh was promoted to the rank of Insp. prior to Sh. Nirmal Singh. Therefore, his name has been placed at the appropriate place.

b) As per PPR 1.1, GRP is separate cadre upto 20.02.2008. He was enlisted in this cadre on 07.02.1990 and was promoted to the rank of SI on 23.09.1994. As per rule his promotion granted in GRP cannot be changed.

It has been found that Insp Nirmal Singh 25/R has requested that as per Rule 1.1 of PPR, GRP is separate cadre. In the Punjab Police act 2007, GRP has not been mentioned as a separate Cadre but is a part of District Police in Section 4(b) of the Punjab Police act 2007. So his seniority may not be changed being separate cadre.

In this context, it is stated that according to Rule 1.1, for the purposes of Section 3 of Police Act, the State of Punjab is divided into "General Police Districts" namely,

- a) The Provincial Police Districts
- b) The Railway Police Districts

As per above rule, the Railway Police is considered as a District and not a separate Cadre. There has been no bar regarding transfer of officials to and from District to GRP. After 2008, GRP forms an integral part of District Cadre and a Common seniority already exists within District Cadre.

c) So far as the change of his promotion to the rank of Inspr. w.e.f. 06.07.2011 to 14.03.12 is concerned, the seniority list prepared in the year 2011 has already been quashed by the Hon'ble High Court. As such his revised promotion list 'F' dated 06.07.2011 automatically cancelled and his name exists on list 'F' dated 01.01.2010. Consequently, he is required to be promoted to the rank of Inspector w.e.f. 30.06.2005. His objections against seniority are also pending which may be decided by passing speaking orders.

It has been observed that the seniority list prepared in 2011 has been revised as per the direction of the Hon'ble High Court.

d) Hon'ble High Court has directed to prepare the joint seniority of District and PAP and there is no mention about GRP. Many officials who were granted promotion list 'F' dated 30.06.2005 are junior to him.

It has been found that as per detail in para (b) above, the Railway Police is considered as a District and not a separate Cadre. There has been no bar on the transfer of officials to and from District to GRP. After 2008, GRP forms an integral part of District Cadre and a Common seniority already exists within District Cadre

e) That seniority cannot be prepared on the basis of ACRs.

It has been observed that Seniority is prepared keeping in view the date of promotions. Persons who have been ignored for promotion on the basis of adverse service record cannot claim seniority from the dates of their juniors.

f) He has submitted appeals against 3 adverse annual reports which are pending from last 17 years.

It has been observed that as per information available in the office, no appeal against adverse annual reports is pending in their branch.

In view of the position explained above, the claims of Nirmal Singh 25/R holds no merit and the same are hereby rejected.

(xv) All the issues raised by officials/officers who appeared before the Committee have already been decided in detail in the foregoing Para's, except point No. iv that decision regarding 60-40 ratio in promotion to the rank of DySP may be reviewed/withdrawn.

In this regard, the issue has been examined regarding promotion in the rank of DySP from Inspector, in the ratio of 60:24:8:8 from seniority list of District, Armed, IT & T and Intelligence Cadre respectively. This ratio has been incorporated in Punjab Police Service Rules 1959 in 2010 by way of notification dated 18-08-2010. Further, the matter is not related with recasting and finalization of seniority of Inspectors in various Cadres. As such, no action needs to be taken on the suggestion for review of this ratio for promotion to the rank of DSPs.

This is being issued with the approval of D.G.P.

Dated : 09.09.2016

Sd/-
IGP/Hqrs
for Director General of Police, Punjab.

No. **9913-10012 /E-I(I)** dated Chandigarh, the:- **09.09.2016**

A copy of this order sent to All Heads of Police Offices for information and necessary action. (ADGP/Intelligence, all CPs, all Range DIsG and AIG/GRP, Patiala (.))

They are requested that a copy of this order be given to each official/officer, mentioned in the above under proper receipt.

Sd/-
IGP/Hqrs
for Director General of Police, Punjab.