

OFFICE OF THE DIRECTOR GENERAL OF POLICE, PUNJAB

SPEAKING ORDERS

Inspector Pardeep Singh & others and similar 9 other CWPs were filed in the Hon'ble High Court demanding promotion as Sub Inspectors from the dates their juniors in PAP were promoted in the rank of DSPs. They further demanded that District Police and Armed Police is one service under rule 1.1 and 1.3 of the Punjab Police Rules, 1934.

The Hon'ble High Court passed order/directions on 16.12.2014 in CWP No. 4829 of 2011. The operative part of order dated 16.12.2014 is as under:

".....the aforesaid question posed before this Court is thus answered as above 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.

In one of the petitions, i.e. C.W.P No. 6501 of 2013, learned counsel for the private respondents has raised the issue of delay to contend that the matter has been agitated belatedly. I would not treat this plea to be worthy of acceptance considering the fact that the seniority stood recast in the year 2011 and the first petition in this regard was filed in 2011 itself. The plea is therefore, rejected.

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 compliance with the order/direction of the Hon'ble High Court, seniority list of SIs upto 19.02.2008 have been finalized and uploaded on Punjab Police Website. Accordingly, a tentative seniority list of Inspectors (Distt. & PAP) was prepared and was uploaded on 05.01.2018 on the website of Punjab Police for claims/objections. 40 officers/officials have submitted representations/ objections against the tentative seniority. They were called for personal hearing on 19.01.2018. The issues raised by these officers/officials were discussed by the Officer Committee and after recommendation of the Committee have been decided as under:-

- i) **Issue raised** by Sh. Parshotam Singh, PPS No. 346/PR DSP/Dera Bassi, Sh. Navin Kumar, PPS No. 316/PR ACP/Licensing LDH, Sh. Randhir Singh, PPS No. 56/BR ACP/CAW LDH, Sh. Mandeep Singh, PPS No. 56/PR ACP/Central LDH, Sh. Gurbans Singh, PPS 22/PR DSP/Spl. Br. GSP, Sh. Balwinder Iqbal

Singh, PPS 324/PR DSP/Hqr. Jall-R, Sh. Sandeep Kumar PPS 472/PR DSP/Rural Sangrur: Their name stand at Sr. No. 1322, 1275, 1323, 1329, 1279, 1284 and 1331 respectively in the rank of Inspector and the officials at Sr. No. 1246 to 1254 who belongs to reserve category have been promoted w.e.f 30.06.05. As such, they may be given revised date of promotion 30.06.05 instead of 01.09.07 and their names may be placed above in the view of Janjua Judgment and further requested that Inspr. placed in group 'B' as such, they may be given reservation at 14% whereas in the tentative seniority reservation have been given 25%.

All officials (Seniority No. 1246 to 1254) who were juniors to the them in the rank of SI but were promoted against roster points being reserved category prior to them. As per Govt. Instructions, issued in case of Ajit Singh Janjua v/s State of Punjab that "those who get accelerated promotions against reserved posts have to be placed junior to those who were senior to them in the lower cadre and were promoted later only because of reservation of post- For further promotions they will have no right for prior promotion against general category posts only because of their prior promotion-Accelerated promotion does not amount to supersession- They will have preferential right to be considered only against reserve posts out of turn in the further higher cadre not against the general posts. Therefore, the seniority of the candidates in the lower cadre has to be maintained in the higher cadre despite prior promotions of juniors against reserved posts and they have to complete with the general candidates on the basis of seniority-cum-merit as general candidates except in the case of reserved posts. As such, 9 officials who get accelerated promotions against reserve posts are to be placed junior to them. As regard, the deemed date of promotion w.e.f 30.06.05 is rejected.

The State Govt. has issued instruction vide order dated 13.10.2009 that all posts falls in Rs. 3800-4999 Grade pay (5th Pay Commission) will fall in Group 'B'. Prior to this notification the posts of Inspectors falls in group 'C'. As per Govt. instructions the percentage of reservation for filling up the vacancies by promotion by Schedule Caste in group 'C' shall be 20%. As such, their claims are rejected.

- ii) **Issued raised** by Sh. Manpreet Singh, PPS, No. 1353/PAP ACP/Spl. BR CP/Jall, Sh. Parwinder Singh, PPS No. 1372/PAP ACP/Hqr. CP/Jall, Sh. Daljit Singh, PPS No. 1356/PAP DSP/2nd IRB, Ladda Kothi SGR, Sh. Manoj Kumar, PPS No. 1357/PAP DSP/VB, HPR:- Govt. sanctioned 22 posts of Inspectors w.e.f 05.12.2003 for sportspersons and thereafter in the year 2016, 10 posts were sanctioned w.e.f 05.12.2003. As such, these 10 officials be placed below

them or fixed their seniority keeping in view their previous service in the rank of Inspectors.

In the year 2003, 295 (which include 23 posts of Inspector) Sports person who were promoted in excess of 10% quota have been reverted to C-II as per the order of Hon'ble High Court in CWP No. 13788 of 1997 filed by Swaran Singh and others. As the Government had re-appointed them after giving relaxation in rules and also created cadre post for them. The seniority of these 22 including representationists has been fixed by Armed Bns. keeping in view their dates of Birth. In partial modification in order dated 28.12.2006 and 22.12.2010 the State Govt has created 32 posts of Inspector instead of 22 w.e.f 05.12.2003 vide order dated 02.01.2017. The ADGP/Armed Bns. JRC has fixed the seniority of 295 sportsperson keeping in view of their dates of Birth. ADGP/Armed Bns. has re-fixed the seniority of these 33 Inspectors as per their Date of Birth. Hence, the claim of these officials is rejected.

iii) **Issue raised** by RETD Inspr. Atma Singh 13/PR: He has requested for fixing his seniority in the rank of Inspector keeping in view his earlier promotion in the rank of HC/ASI/SI and Inspector.

As per the order of the Hon'ble High Court seniority in the rank of Head Constable has been re-fixed w.e.f 01.01.75 onwards as per list C-1. As per revised seniority list he has been promoted as Sub-Inspector w.e.f 01.12.1999 and his name has been placed at Sr. No. 1754. Official at Sr. No. 1755 onwards have been assigned revised DOP as Inspector w.e.f 01.02.2008 whereas, he retired on 29.02.2004. Hence, his claim is rejected.

iv) **Issue raised** by Retd Inspr. Amarjit Singh 135/PR: He is ret'd from service on 30.06.2003 as SI. In the tentative seniority list of Inspector his name is placed on 370 and given list 'F' (Executive) w.e.f 23.10.01. At the time of promotion as Inspector last five year service record is considered. He be given promotion keeping in view his service record from the year 1992 to 2001.

As per the order of the Hon'ble High Court seniority in the rank of Head Constables has been re-fixed w.e.f 01.01.75 onwards as per list C. As per revised seniority list he has been promoted as Sub-Inspector w.e.f 13.11.1992 and according to seniority he has been given list 'F' (Executive) w.e.f 23.10.01. As such, his name is correctly placed at Sr. No. 370 in the seniority of Inspector and proposed list 'F' (Executive) w.e.f 23.10.01. He has demanded that after completion of requisite period prescribed in rules be promoted which is not sustainable, as promotions of given on the basis of availability of the vacancies. He ret'd on 30.6.2003 on superannuation. Hence, his claim is rejected.

v) **Issue raised by** Inspr. Pardeep Singh 1391/PAP 3rd IRB/LDH: In the tentative seniority list, his name has been shown as Pardeep Kumar and as per the service record his name is Pardeep Singh. So he is requested to correct his name from Pardeep kumar to Pardeep Singh.

Necessary correction has been made.

vi) **Issue raised by** Inspr. Avtar Singh 23/FR Incharge CIA/FZR: Inspr. Malkeet kaur and 3 are juniors to him in the rank of ASI and SI but placed in the seniority list of Inspr. w.e.f 30.08.2006. As such, he may also be assigned deemed date of promotion over and above these ladies.

The officials mentioned by him are ladies, who got promotions in the rank of ASI, SI and Inspr. in their separate cadre of women from 1990 to 25.07.2012 and Hence he can not make comparison with the seniority of Women official. As per revised seniority list he has been given revised DOP as Sub-Inspector w.e.f 28.09.01 whereas officials of general category who were given revised DOP as SI w.e.f 01.12.1999 has been assigned revised list-F w.e.f 01.02.2008. Hence, his claim is rejected.

vii) **Issue raised by** SI Sohan Singh 2140/ASR 4198/MJA 597/BR CP/ASR: He has not been given seniority with his batchmates.

As per record, he passed Upper School Course and placed in list E-1 w.e.f 01.04.04. Keeping in view list E-1 he has been placed in the seniority list of Sub-Inspector at Sr. No. 1651-A instead of 3021 and assigned revised DOP as Sub-Inspector w.e.f 11.06.1998 instead of 10.01.2006. Accordingly, he has given 'F' list w.e.f 01.02.2008 from the date his junior has been given 'F' list. Necessary action has been made.

viii) **Issue raised by** Kashmir kaur, PPS, No. 500/FZR SP/Crime: She was assigned list 'F' (Executive) w.e.f 14.11.2002 and subsequently promoted in the rank of DSP by the Govt. w.e.f 24.06.11 and SP in the year 2016 but in the revised seniority list of ASI/SI she has been given revised date of promotion in the rank of ASI and SI w.e.f 20.03.01 and 14.12.05 respectively and not promoted in the rank of Inpsr so far. As such, her previous date of promotions may not be changed. She submitted her representation at the time of tentative seniority of ASI.

As per the order of Hon'ble High Court, the combined seniority of Distt and Armed Cadre have been prepared w.e.f 01.01.75 onwards as per list C. The Cadre of Women was created in the year 1990 but promotions in women cadre were started in the year 2000 onwards. In the revised seniority list of Inspr. she has been rightly promoted as HC/ASI and SI subsequently. In the revised seniority list of SI, she has been promoted as SI w.e.f 14.12.05 and in

the revised seniority list of Inspr. the last official who was promoted to the rank of Sub-Inspr. 01.12.99 has been promoted to the rank of Inspr. w.e.f 01.02.08. Her earlier representation against the tentative list of ASI was duly considered and conveyed to her vide this office memo Number 13336-13435/E-1(2) dated 11.12.17. As such, her claim is rejected.

IX **Issue raised** by Inspr. Dharam pal 292/PR 1706/LDH 517/LDH: The seniority in the rank of HC/ASI/SI and Inspr. are not prepared as per the directions of the Hon`ble High Court. He passed Lower School Course in the year 1975 and promoted to the rank of HC w.e.f year 1975 and ASI in the year 1986 SI in the year 1993 and Inspector in year 2001. His junior have already been promoted in the rank of Superintendent of Police. As such, he may also be promoted to the rank of DSP after giving deemed dates in the rank of SI/Inspr/DSP and SP.

In the revised tentative seniority list he has been given deemed date promotions w.e.f 03.09.75 as HC, 06.06.86 as ASI, 16.04.92 as SI and subsequently proposed deemed date of promotion list 'F' (Executive) w.e.f 28.04.99. He has demanded that after completion of requisite period prescribed in rules may be promoted in the rank of Sub-Inspector, Inspector, DSP and SP which is not sustainable, as promotions are given on the basis of availability of the vacancies. He retired on 31.01.2007 on superannuation. Hence, his claim is rejected.

X) **Issue raised by** Inspr. Sanjeev Kumar 55/JR CID Unit SGR, Inspr. Preet Kanwal jeet Singh 1/JR CI/JAll, Inspr. Sukhwinder Singh 114/PR CI/JAll, Inspr. Harbhajan Lal 50/FDR CI/JAll, Inspr. Om Parkash 432/JR CI/JAll, Inspr. Sarabjit Singh 140/JR CI/JAll, Inspr. Nachattar Singh 312/JR CI/JAll, Inspr. Sukhbir singh 103/PR Distt. PTL, Inspr. Sanjeev Kumar 338/BR I/C Security Br. ASR-R, Inspr. Sanjeev Kumar 398/PR (SAS Nagar), Inspr. Hemant Kumar 322/PR VB/Unit BNL, Inspr. Rajesh Kumar 65/PR DSP/BNL, Inspr. Manmohan Singh 79/JR CP/JAll, Inspr. Daljit Singh 408/JR CP/JAll, Inspr. Sukhwinder Singh 230/JR CP/JAll, Inspr. Murlidhar No. 449/PR SO/ADGP/GRP, Inspr. UCEE Chawla 8/FDR Reader to ADGP/GRP, Sh. Sandeep Kumar PPS 472/PR DSP/Rural Sangrur, Inspr. Dilpreet Singh 28/PR, Sh. Satnam Singh, Inspr. Pardeep Singh 247/PR (BTA), Inspr. Jaspal Singh 6/FDR (BTA) :

(i) Seniority list of Inspectors is not sustainable because it is based on final seniority list of ASI and SI. They have filed their disagreement against the Speaking Order passed vide No. 13232-332/E-1(2) dated 11.12.2017 and memo No. 13336-435/E-1(2) dated 11.12.2017 under which the issue

regarding excessive dates of revised promotions to promoted in the rank of ASI and SI against the deputation posts of CID

(ii) Against the out of turn promotions under rule 13.10 (1) read with 13.21, PPR 13.15 read with 13.21.

(iii) On the parameter defined in the memo NO. 13398-497/E-1(3) date 13.12.17, as parameter is contradiction to the PCS (GCCS, 1994) Rule which came into force w.e.f 04.05.1994.

(iv) Seniority of 295 & 207 Sportsperson over probationers ASI is not acceptable.

(v) The seniority is totally unsustainable at law, discriminatory, arbitrary ultra-virus to rules, unconstitutional. It needs to be revised

All issues have already been decided by the Committee after giving personal hearing to them before the finalization of seniority in the rank of ASI and Sub-Inspector. Their representation against the Speaking Order 13232-332/E-1(2) dated 11.12.2017 have already been decided and conveyed to them by Speaking Order memo No. 13336-435/E-1(2) dated 11.12.2017. They are again raising same issues. Moreover, office has already clarified in the letter vide which tentative seniority list was issued. As such, claims holds no merit and same is rejected.

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

A copy of this order may please be given to each officer/official under his own signatures.

Sd/-
DIG/Admn.
for Director General of Police,
Punjab, Chandigarh.

No. 1086-1185 /E-1(1) dated Chandigarh the:- 22.01.2018

A copy of the above is forwarded to the all Heads of Police offices in Punjab for information and necessary action.

Sd/-
DIG/Admn.
for Director General of Police,
Punjab, Chandigarh.

No. 1186 /E-1(1) dated Chandigarh the:- 22.01.2018

A copy of the above is forwarded to the Incharge website Punjab Police Hqrs. Chandigarh with the request to upload the speaking orders on Punjab Police website today positively.

Sd/-
DIG/Admn.
for Director General of Police,
Punjab, Chandigarh.