

GOVERNMENT OF PUNJAB
DEPARTMENT OF HOME AFFAIRS AND JUSTICE
(HOME –III BRANCH)

ORDER

WHEREAS, seniority list of PPS Officers for the years 1989 to 1991 was circulated to all concerned vide Punjab Govt. order No. 15/116/2003-1H3/ 2475, dated 8-7-2005 which was challenged by the direct recruit as well as promotee PPS officers in the Punjab and Haryana High Court by filing CWP No. 11887, 12206, 12208, 12209, 12321, 12475 of 2005. The Hon'ble High Court has disposed of the aforesaid CWPs alongwith CWP Nos. 17397 of 1999, 14332 of 2001, 15145 of 2001 and 13221 of 2001 by common order judgment dated 10-04-2008 in CWP No. 12206 of 2005 – Gurpreet Singh Bhullar Vs State of Punjab and others. The Hon'ble Court passed the following directions:-

“ Therefore, we dispose of the present writ petitions and all miscellaneous applications by setting aside the order of fixation of seniority list dated 7/8-7-2005 and all other orders of confirmation with directions to the State Govt. to finalise the seniority list within three months keeping in view the following principles :-

- 1. That the State Govt. shall firstly determine the vacancies available at the commencement of the Rules after taking into consideration the number of the Deputy Superintendents of Police available at the time of commencement of the Rules.*
- 2. Thereafter, the State Govt. shall assign seniority keeping in view the vacancies (not the posts) at the time of recruitment and confirmation as and when such vacancies arise from amongst the promotees and direct recruits in the ratio of 4:1. While assigning seniority to the promotees and direct recruits, the State Government shall also assign seniority to the candidates belonging to reserved categories in terms of the Rules and instructions applicable to such categories.*
- 3. If on re-determination of seniority, it is found that juniors have been appointed as members of Indian Police Service without considering the claim of seniors, the case of such seniors shall be considered for appointment with reference to the date on which juniors were appointed as IPS. However, this direction will be applicable only in respect of the candidates who are in service today. The cases of the candidates who have retired and are not members of the Service as on today, shall not be reopened and reconsidered. All future vacancies falling to the quota for promotes in the IPS shall be filled up in the above stated manner till such time the claim of all the seniors for empanelment to the IPS is considered, by the Review Departmental Promotion Committee.*

The State Government shall not recommend any other member of the Service junior to Sh. Lok Nath Angra for empanelment for appointment to the Indian Police Service till such time, claim for appointment to IPS of all seniors is considered as mentioned above.”

2. WHEREAS, Civil Misc. Application No. 20061 of 2008 was filed by certain direct recruit IPS Officers which was disposed of by the Hon'ble High Court on 23-1-2009 to wherein the above mentioned orders dated 10-4-2008 were modified with the following directions :-

“ The reasoning given by the State Government that the established practice of calculating the share of direct recruits and promotees on the basis of sanctioned posts of cadre is counting for over 45 years, is in fact contradictory to the judgment of the Hon'ble Supreme Court. Such established practice, which is not in conformity with the enunciation of the law laid down by the Hon'ble Supreme Court, cannot be permitted to continue any longer. The recruitment and

confirmation of the officers has not been made as per the prescribed quota from the very inception of the cadre. It is also not correct when it is recorded by the State Government that the issue of quota rule linked to vacancies was raised for the first time in the year 2000 in a writ petition filed by Sh. A. .S. Chahal. In fact, the quota rule linked to vacancies was a rule of law explained by the Hon'ble Supreme Court in the year 1979 itself.

Therefore, we dispose of the present writ petitions and all miscellaneous applications by setting aside the order of fixation of seniority list dated 7/8-7-2005 and all other orders of confirmation with directions to the State Govt. to finalise the seniority list within three months keeping in view the following principles :-

1. *That the State Govt. shall firstly determine the vacancies available at the commencement of the Rules after taking into consideration the number of the Deputy Superintendents of Police available at the time of commencement of the Rules.*

2. *Thereafter, the State Govt. shall assign seniority keeping in view the vacancies (not the posts) at the time of recruitment and confirmation as and when such vacancies arise from amongst the promotees and direct recruits in the ratio of 4:1. While assigning seniority to the promotees and direct recruits, the State Government shall also assign seniority to the candidates belonging to reserved categories in terms of the Rules and instructions applicable to such categories.*

*It has come to our notice that though paragraph 47 from the judgment of Hon'ble Supreme Court in **Direct Recruit's** case has been reproduced but reference to the said judgment has been inadvertently not made. Therefore, such clerical mistake is ordered to be corrected by inserting such reference at page 26 of the judgment and after amendment the said part of the judgment read as under :-*

.....After various judgments, the Court held to the following effect indirect Recruits Class-II Engg. Officers's Association V/s State of Maharashtra, AIR 1990 SC 1967.

The Civil miscellaneous stands disposed of in the above terms.”

3. WHEREAS, some of the PPS officers (promotees as well as direct recruited) have filed Review Applications in the Hon'ble High Court for review of orders dated 10-04-2008. The Hon'ble High Court disposed of all the review applications on 24-4-2009 in single order. Hon'ble High Court has held that:-

“.....

2. *No doubt, Hon'ble Supreme Court in some of the judgments referred to by learned counsel for the applications, has taken the view which is not the ratio in Ram Rakha's case (supra) but Ram Rakha's case (supra) case deals with the rules which are subject matter of interpretation in the present group of cases. Interpretation of such Rules by the Supreme Court in the above judgment and in **Paramjit Singh Sandhu and others V/s Ram Rakha & others AIR 1983 Supreme Court 314** is binding on the State Government. The statement of Shri Tarkunde, representing the State Government before the Supreme Court is that both the recruitment and confirmation have strictly been made according to the quota rule, namely, when vacancies occur first four posts shall go to promotees and the fifth post will go to the direct recruit and the same rule is followed in confirmation. Therefore, even if the Court has taken somewhat different view in some other cases will not be a ground to*

ignore the judgment in Ram Rakh's case (supra) interpretation of same Rules in the present bunch of applications.

3.

4. *We do not find that the ground of delay is a good ground for review of the order passed by the Court when the State has made a statement before the Supreme Court in 1982 that the judgment in Ram Rakha's case (supra) has been given effect to and shall be given effect to. Therefore, the question of delay in giving effect to the judgement in Ram Rakha's case cannot be said to be a ground for review of the order passed by this court.*

5.

6. *It is also argued that in the tentative seniority list circulated in consequence of the directions of the Court, certain directly recruited members of service have been tentatively assigned seniority even they were 10 years or so of age and, thus even not eligible for appointment as members of the State Police Service.*

7. *The Court has not issued any direction that the candidates have to be given even if they are not eligible for appointment on a particular date. The eligibility conditions of appointment is a part of the Rules. Such Rules or any other Rules, as may be applicable, cannot be ignored while assigning seniority. Since it is only tentative seniority list, it shall be open to the promote members of the Police Service to make a representation to the competent authority which shall be considered in accordance with law.*

8. *It has also been brought to our attention that the Punjab Civil Services (General and Common Conditions of Service) Rules, 1994 gives overriding effect to the rules of seniority as contemplated in Punjab Police Rules, 1959. It shall be open to the members of the Service to make a representation if such Rules have not been given effect to. Such representation shall be considered by the competent authority while finalizing the tentative seniority list.*

9. *It shall be open to any of the member of the Punjab Police Service, to submit his objections to the tentative seniority list which shall be taken into consideration and decided by the competent authority before finalizing the seniority list.*

10. *At this stage, Mr. Chetan Mittal, learned Additional Advocate General, Punjab, seeks three months time to finalize the seniority list.*

Allowed as prayed for.

All the review petitions are disposed of in the above terms."

4. WHEREAS, in order to implement the directions of Hon'ble Supreme Court as well as High Court, to re-determine the inter-se-seniority of entire PPS cadre, the Govt. constituted a committee vide order No. 15/116/2003-1H3/1185, dated 22-5-2008 under the Chairmanship of

Sh. Kirandeep Singh Bhullar, IAS, Secretary Home consisting of Sh. R.S. Khosla, Additional Advocate General, Punjab, Additional Secretary Home, Sh. Harbans Singh, Additional L.R. and Sh. Suresh Arora, IPS, IG/Hqrs. to examine all the relevant record and to submit its recommendation to Govt.

5. WHEREAS, on the recommendation of the Committee tentative seniority lists in two parts (1st part upto 12-5-1994 and 2nd part 13-5-1994 to 31-12-2008) was circulated on 01-01-2009 on the Web Site of the Director General of Police, Punjab for calling objections from the concerned officers upto 15-01-2009. Further date for filing objections was extended from time to time which was upto 15-06-2009 due to the reasons that IPS/PPS Officers have filed Review Applications in the Hon'ble High Court for the review of orders dated 10-04-2008.

6. WHEREAS, a large number of IPS/PPS officers appointed by promotion and appointed by direct recruitment submitted their objections against the tentative seniority lists. They were given personal hearing on 18-09-2009 by the Principal Secretary to Govt. of Punjab, Department of Home Affairs and Justice and their objections were heard in detail.

7. WHEREAS, the Hon'ble High Court vide orders dated 24-4-2009 it has made clear that when the State has made a statement before the Supreme Court in 1982 that the judgment in Paramjit Singh Sandhu & others V/S Ram Rakha has been given effect to hence, interpretation of such Rules by the Supreme Court in Paramjit Singh Sandhu and others, AIR 1979 Supreme Court 1073 is binding on the State Government. The statement of Shri Tarkunde, representing the State Government before the Supreme Court is that both the recruitment and confirmation have strictly been made according to the quota rule, namely, when vacancies occur first four posts shall go to promotees and the fifth post will go to the direct recruit and the same rule is followed in confirmation. Therefore, even if the Court has taken somewhat different view in some other cases will not be a ground to ignore the judgment in Ram Rakh's case (supra). The State is bound to implement the judgement of Hon'ble Supreme Court delivered in Ram Rakha's case. The Hon'ble High Court has further held that the effected officers can make their representation to the State Govt. and State shall consider the same before finalizing the seniority.

The judgment of the Hon'ble High Court of Punjab and Haryana is based upon the judgment of the Hon'ble Supreme Court delivered in the case of Sh. Paramjit Singh Vs. Ram Rakha, Civil Appeal No. 2902-2903 of 1977 (AIR 1979 SC 1073). In order to make the position clear, it would be in the fitness of the things make mention of the relevant observations made in the said judgment of Hon'ble Supreme Court, which is as under:-

“11.Ordinarily, if quota is prescribed for recruitment to a cadre, the quota rule will have to be observed at the recruitment stage. The quota would then be correlated to vacancies to be from two different sources they will have to be integrated into a common cadre and while so doing, the question of their inter se seniority would surface. Seniority is ordinarily determined from the date of entry into cadre on the principle of continuous officiation. Confirmation in a post ordinarily depend upon such circumstances as satisfactory completion of probationary period, efficiency in the discharge of duty, capacity to discharge functions of posts, availability permanent

vacancy, etc. Now, if seniority is to be determined according to the date of confirmation and the quota rule is not made relatable to confirmation in various posts falling vacant in the cadre it would directly impinge upon the seniority of the members of the service.....

13. *Now, if the other view is taken that the quota rule would apply both at the time of recruitment and at the time of confirmation, Rule 10 which provides for seniority according to the date of confirmation would certainly be saved from the vice of unreasonableness. Is such a construction possible? One need not stretch the language to bring about the desired result but in this case upon a harmonious reading of rules 3, 6, 8 and 10, the conclusion is inescapable that quota rule is operative both at the time of initial recruitment and at the time of confirmation. If the rule of seniority were one otherwise than according to date of confirmation, it would not have become necessary to apply the quota rule at the stage of confirmation but in this case the quota rule is linked up with the seniority rule and unless the rules is strictly observed in practice it will be difficult to hold that the seniority rule is not unreasonable and does not offend Art. 16 (see S.G. Jaisinghani's case PP 717 and 718) AIR 1967 SC 14276 at pa.1434) Quota rule is linked up with seniority rule because, not the date of entry in service determines the seniority but the date of confirmation determines seniority and, therefore, quota rule inextricably intertwined with the seniority rule and de-linking would render the seniority rule wholly unreasonable. Any other view would lead to the most undesirable result wholly unintended by the framers of the rule. It must be remembered that after recruitment, members of the service, though drawn from two different sources-direct recruits and promotees-constitute a single integrated cadre. They discharge identical functions, bear similar responsibilities and, acquire an equal amount of experience in the respective assignments. An exactly identical situation would follow here if quota rule is applied at the stage of initial recruitment and wholly ignored at the time of confirmation because in that event while direct recruits will get confirmation automatically, the promotees would hand out for years as has happed in case of respondents 1 and 2 and if they are not confirmed they would never get seniority and their chances of being considered for promotion to the higher post would be wholly jeopardised. To avoid this utterly unconscionable outcome the construction we have put on Rule 8 would be in consonance with justice and reason.*

14. *.....where recruitment is from two sources and the seniority in the cadre is determined according to the date of confirmation to accord utmost fair treatment a rotational system has to be followed while giving confirmation, the quota rule would apply to vacancies and recruitment has to be made keeping in view the vacancies available to the two source according to the quota. If the quota rule is strictly adhered to there will be no difficulty in giving confirmation keeping in view the quota rule even at the time of confirmation. A roster is introduced while giving confirmation*

ascertaining every time which post has fallen vacant and the recruit from that source has to be confirmed in the post available to the source. This system would break down the moment recruitment from either source in excess of the quota is made. If fact a strict adherence to the quota rule at the time of recruitment would introduce no difficulty in applying the rule at the time of confirmation because vacancies would be available for confirmation to persons belonging to different sources of recruitment. The difficulty arises when recruitment is excess of the quota is made and it is further accentuated when recruits from one source viz. in this case direct recruits get automatic confirmation on completion of the probationary period, while the promotees hand out for years together before being confirmed.

The High Court was, therefore, right in concluding that the quota rule would operate at both the stages. Accordingly, both these appeals fail and are dismissed but in the circumstances of the case with no order as to costs”.

The Hon'ble Supreme Court further clarified in Civil Misc. Petn. No. 18565 of 1981 in Civil Appeals No. 2902-2903 of 1977 (AIR 1983 SC 314) that-

*“What this Court meant while saying that when a quota rule is prescribed for recruitment to a cadre it meant that quota should be correlated to the vacancies which are to be filled in. Who retired and from what source he was recruited may not be very relevant because retirement from service may not follow the quota rule. Promotees who come to the service at an advanced stage may retire early and direct recruits who enter the service at comparatively young age may continue for a long time. If, therefore, in a given year larger number of promotees retire and every time the vacancy is filled in by referring to the source from the retiring person was recruited it would substantially disturb the quota rule itself. **Therefore, while making recruitment quota rule is required to be strictly adhered to. That was what was meant by this Court when it said. The quota rule would apply to vacancies and recruitment has to be made keeping in view the vacancies available to the two sources according to the quota.**”*

8. WHEREAS, Hon'ble Supreme Court laid down operating details of the roster to be followed at the time of recruitment/confirmation i.e. first four promotee officers and then one direct officer. The Hon'ble Supreme Court had also observed that the quota was linked to the vacancies and not the total number of posts. It further enunciated that the roster to be adopted to regulate the recruitment from the two sources was to run in the ratio of 4:1 i.e recruitment 4 promotee officer followed by 1 direct officer.

9. WHEREAS, in compliance of the directions of Hon'ble Supreme Court in case of Paramjit Singh Sandhu & others Vs Ram Rakha & others, the State Government confirmed 97 DSsP vide Order No. 8133-8223/Con.SA-6 dated 04-06-1981. There was backlog of 2 vacancies of Direct quota in the confirmation of 97 DSsP.

10. WHEREAS, the promotee officers have raised a main contention that the direct recruit have been placed in the tentative seniority on points arising prior to their date of joining or even becoming eligible. The vacancies following to the share of both the sources have to be calculated

by applying the roster of 4:1 for promotees and direct recruits. Each vacancy has to be considered for recruitment after it falls vacant or is created as and when the officers to whose share of vacancy falls become available. In case the vacancy arises to the share of particular source but an officer from that source is not available due to delay in the process of recruitment, the same would be carried forward and filled up as and when the officers from that source are appointed to the service. The vacancy following to the share of one source would not be filled up from another source in excess of the quota. The quota would be carved out strictly in accordance with the roster of 4:1. Many officers have been appointed to the service in excess of the aforementioned quota from time to time. The service of the officer before a vacancy becoming available from the source to which he belongs has to be treated as fortuitous and the officer would not be entitled to count such service for purposes of seniority though it would be counted for other purposes as permitted under the rules. The officers appointed to the service by promotion, would be granted a date from the date when a vacancy arises to the share of promotees, in their inter-se order of seniority in the feeder cadre of Inspectors. There is merit in the contention of the point raised by the promotee officers that the Direct Recruits can not be given the benefit of seniority from a date prior to their becoming members of the Service. Though in the tentative seniority list of the direct recruit officers would be placed in the seniority by the date of their confirmation. This has been done as on such date, when they were actually appointed, sufficient number of vacancies existed in the service falling to the share of direct recruit officers would be placed in the seniority by the date of their confirmation. This has been done as on such date, when they were actually appointed, sufficient number of vacancies existed in the service falling to the share of direct recruits by applying the roster of 4:1. Their placement has however been done inter-se as per the merit as determined by the Commission. Further in the tentative seniority list the direct recruits have been given seniority on the basis of roster points of from 1973 to 1987. They have now been placed as per the merit as determined by the Commission in light of the decision of the Hon'ble High Court in CWP No. 17780 of 2008- R.L. Bhagat, IPS Vs State of Punjab and others. The seniority of 1985 batch of direct DSPs is being included in the final seniority. It has been decided that the seniority has to be as per the merit as determined by the Commission and not as per the roster points of reservation. The seniority of these officers would not be ante dated but would be determined by the date of confirmation in their share. The present seniority is thus being determined as per the provisions of the Punjab Police Service Rules, 1959. The Direct Recruits of the year 1985,1990,1991,1993 and 1994 have been adjusted on the basis of the above principles on the existing vacancies available on the date of their appointment and consequent confirmation.

11. WHEREAS, the promotee officers have represented that they have been appointed within their quota. They have based their statements on the basis of the replies filed by the State in the Court proceedings. It is however borne out from the record that the appointment of promotees has been in excess of the quota at various stages. The promotees were appointed on ex-cadre and temporary posts in excess of the vacancies to their share. Also from 1989 to 1994 a large number of Inspectors were promoted by giving relaxation in the experience. Furthermore the exercise of making a proper roster of vacancies has been carried out for the first time by the State. The stand

of the State has been that promotees are in excess of quota and the same is reflected in replies filed in CWP 12273 of 2002, CWP 17397 of 1999 and CWP 8475 of 2000. This entire position has been reconciled in the present seniority in accordance with the Punjab Police Service Rules, 1959.

12. WHEREAS, the promotee officers have raised the objection regarding 42 DSP's and SP's who were taken on deputation from paramilitary forces against posts of DSP's during the period of terrorism, these officers be given roster points of direct recruits. These officers are no more a part of a regular cadre and have either been sent back or form a sperate cadre as per separate set of Rules. They do not have to be accounted for the purposes of seniority.

Effect of instructions No. 11/4/88-1PP1/4960 dated 8-4-1991 regarding de-linking the confirmation from the Permanent Posts.

13. WHEREAS, the instructions in question dated 08-04-1991 were issued by the Department of Personnel for simplification of the confirmation procedure. These instructions interalia provided that confirmation would be made once in service in the initial grade only and further that confirmation would be de-linked from availability of a permanent vacancy. These instructions referred to confirmation only for the purpose of retention of a Government employee in service after probation and had no relevance for the purpose of seniority.

In this view the instructions will have no effect on the seniority to be fixed. The seniority has been fixed keeping in view the actual occurrence of the permanent vacancies and their share apportioned as per the prescribed ration of 4:1. The date of confirmation for purpose of seniority thus would be after two years of appointment against a substantive vacancy.

Effect of the Punjab Civil Service (General and Common Conditions of Service), Rules 1994.

14. WHEREAS, as per Rule 10 of the Punjab Police Service Rules, 1959, Seniority is to be determined by the date of confirmation in the service.

The above position is changed w.e.f. 4th May, 1994 when the Punjab Civil Services (General and Common condition of Service) Rules, 1994 came into effect and Rule 8 of the these rules became overriding in the light of Rule 20. These rules are as under: -

Rule: 8 : Seniority:- The Seniority *inter se* of persons appointed to posts in each cadre of a service shall be determined by the length of continuous service on such post in that cadre of service.

Rule 20: Overriding Effect:- The provision of these rules shall have effect notwithstanding anything contrary contained in any rules for the time being in force for regulating the recruitment and conditions of service for appointment to public service and posts in connection with the affairs of the State.”

Thus, before 1994 Rules, Seniority is to be determined by date of confirmation against substantive post within the quota and after these rules coming into force, it is linked to the length of continuous service.

However, as per Rule 6 of 1994 Rules , **the number and character of posts, method of recruitment and educational qualifications and experience for appointment to a post or posts in a service and the departmental examination, if any shall be such as may be specified in the service Rules made for that service.** Thus, the number and character of posts and method of recruitment etc. shall be such as has been provided in Rule 3 and Rule 6 of the Punjab Police Service Rules, 1959 and the seniority w.e.f. 04.05.1994 has been drawn on the basis of Rule 8 of the Punjab Civil Services (General and Common Conditions of Service) Rules, 1994, keeping in view, the length of continuous service on such post in that cadre of the service. Therefore, for the officers appointed before 4th May, 1994, the seniority will be determined by the date of confirmation in the service while for those appointed after 4th May, 1994, the seniority has been determined keeping in view, the length of service. However the quota rule as directed by the Hon'ble Supreme Court and High Court has been kept intact while filling vacancies of substantial posts and then assigning seniority for these posts. Table- II depicts the seniority after 4th May, 1994. The seniority list in Table-II is as a consequence of the Punjab Civil Services (General and Common Conditions of Service) Rules, 1994, applicable w.e.f. 4-5-1994 (rule 6, 8 and 20 of these rules are made applicable) and has been determined keeping quota rule intact as supported by rule 6 of these rules and it is determined by the date of continuous length of service (not from the continuous length of service) in the ratio of 4:1 of promotes and direct recruits for available vacancies against substantive posts.

Determination of inter-se-seniority of direct recruited DSPs who were recruited thorough PPSC.

15. WHEREAS, some 1994 batch direct DSPs who belongs to Reserve Categories, in their objections raised the demand that their inter-se-seniority be fixed as per Roster Points of reservation. Ex-servicemen, who were recruited against the roster points of ex-service-men category, demanded that they be given roster points of ex-servicemen in the backlog vacancies.

As per instructions issued form time to time by the Govt. in this regard, Janjua's Judgement and as per item (i) of the proviso under rules 10 of PPSC Rules,1959, the inter-se-seniority of all the direct appointees is required to fixed as per combined merit of PPSC/SSSB/Departmental Selection Committee. Therefore, the seniority of direct DSPs who were recruited through the PPSC has been determined as per combined merit. Inter-se-seniority of 1985 batch DSPs earlier which was on the basis of Roster Points of reservation has been re-fixed after taking advices from the Personnel Deptt., Welfare Deptt. and Advocate General, Punjab by passing detailed Speaking Orders on 22nd Sept. 2008. Similarly, inter-se-seniority of others batches has been fixed. This is also in consonance with the judgment in CWP No.17780 of 2008- R.L. Bhagat, IPS Vs State of Punjab.

Reservation of S.Cs. in the seniority in case of Promotee Officers

16. WHEREAS, the Hon'ble High Court in its judgement dated 10-4-2008 has directed that *the State Government shall also assign seniority to the candidates belonging to reserved categories in terms of the Rules and instructions applicable to such categories.* In this connection it is submitted that separate Roster Register for recruitment has been maintained for promotee

PPS Officers and duly checked by the Welfare Department from time to time. The officers belonging to reserve category were promoted against the vacancies of reserved category as determined from the Roster Register. In case of Confirmation, reservation is not applicable, only those employees are confirmed who have completed their period of probation successfully and confirmed against the resultant permanent vacancies. As per Punjab Police Services Rules, 1959, the seniority in case of pre-1994 promotee officers is to be determined by the date of confirmation. Therefore, it is not possible/ feasible to implement the formula of reservation in the seniority which is derived from the Roster of Confirmation.

17. WHEREAS, some promotee PPS officers who were recruited as Inspector of Police through direct recruitment has made objection that some persons leap-forged their way through accelerated promotions. As per rule 13.1 states that 5% of sportspersons of All India or International level may be given promotions if they are otherwise eligible but for seniority. 5% posts to be filled up from amongst who have achieved outstanding distinction in sports. Some persons have been given accelerated promotions to higher post by therewith the basic eligibility condition of service. Most of the persons recruited as Constables in the year 1990 and were thereafter given accelerated promotions to higher posts completely in violation of rules. They became seniors to them in the rank of DSP. Their batch was eligible for promotion to the rank of DSP in the year 1999, but promoted in 2001, even though sufficient vacancies were available in 1999 and they should have been given promotions in 1999. They be given rightful due while fixing seniority. In this regard at the first instance their seniority in the rank of Inspector will be decided by the Director General of Police, Punjab.

18. That keeping in view the law laid down by Hon'ble Supreme Court in case of Paramjit Singh Sandhu & others Vs Ram Rakha & others (Civil Appeal No. 2902-2903 of 1977 AIR 1979 SC 1073) and directions dated 10-4-2008 Hon'ble High Court in CWP No.12206 of 2005-Gurpreet Singh Bhullar Vs State & others, orders dated 24-04-2009 in Review Application No. 19 of 2009 in CWP 12206 of 2005 and Service Rules and Punjab Govt. instructions the seniority of PPS Officers has been prepared in following tables, which are annexed with these orders :-

- | | |
|---------------|---|
| a) Table – I: | Seniority List of PPS Officers on substantive posts upto 04-05-1994 based on Rule 10 of The Punjab Police Services Rules 1959, Seniority has been determined by (not from) the date of confirmation |
| b) Table –II: | The Seniority List as a consequence of the Punjab Civil Services (General & Common Condition of Service) Rules, 1994 applicable w.e.f. 04/05/1994 (Rule 6, Rule 8, Rule 20 of these Rules are made Applicable) and has been determined keeping quota rule intact as supported by rule 6 of these rules and is determined by the date of continuous length of service(not from the continuous length of service) in the ratio 4:1 of promotees and direct recruits for available vacancies against substantive posts. |
| c) Table-III: | Final seniority list of PPS officers who are in service against substantive posts (This Table has been derived from Table I & II) |

- d) Table –IV: PPS Officers against temporary posts. The Seniority of these officers will be determined on the availability of substantive posts.

19. That this order has been attempted to undo bonafide mistake and to implement the Rules and law laid down by the Apex Court which has been implemented in a uniform and consistent basis without any reference to individual merits. Therefore, it is objective and non-discriminatory. This order emanates from the tentative seniority lists which were circulated earlier and to which objections were received and considered.

That this seniority is subject to the following:

- a) Any modification/amendment in the inter-se seniority list which may arise out of the review granting deemed dates of promotion.
- b) Decisions of Hon'ble Courts/CAT in any matter pending before these courts.
- c) Decision regarding implementation of the 85th amendment to the Constitution of India.
- d) Any mistake/amendment required to be made out clerical/typographical mistakes detected or any entry not as per office record.

20. That in order to avoid any reversion of any officer from any rank in IPS Cadre or from IPS cadre to PPS cadre or in PPS Cadre as a result of this seniority, the Government will take all necessary steps to create supernummary/ex-cadre posts with dying cadre for these posts which will automatically stand abolished as and when these posts are vacated on superannuation or otherwise or on adjustment of such officer in IPS or PPS Cadre as the case may be.

A.R. TALWAR

Dated, Chandigarh
the 15th December, 2009

Principal Secretary to Government of Punjab
Department of Home Affairs and Justice

No. 15/157/2008-1H3/3179-81, dated, Chandigarh the 16-12-2009

A copy alongwith its enclosures is forwarded to the following for information and necessary action:-

- 1) The Director General of Police, Punjab, Chandigarh:
- 2) The Additional Director General of Police, Computer & Telecommunication, Punjab, Chandigarh. He is requested to up load this order alongwith its enclosures on the Web Site of the Director General of Police, Punjab, Chandigarh.
- 3) Deputy Secretary Home (Home-I Branch) for information and necessary action.

Special Secretary Home

Endst.No. 15/157/2008-1H3/3182, dated Chandigarh the 16-12-2009

A copy alongwith its enclosure is forwarded to the Secretary, Union Public Service Commission, Dholpur House, Shahjahan Road, New Delhi-110069 with reference to their DO No. 7/15/2002-AIS, dated 07-10-2009 for information.

Special Secretary Home

Endst.No. 15/157/2008-1H3/3183, dated Chandigarh the 16-12-2009

A copy alongwith its enclosure is forwarded to the Secretary to the Government of India, Ministry of Home Affairs, New Delhi for information.

Special Secretary Home