

OFFICE OF THE
DIRECTOR GENERAL OF
POLICE PUNJAB,
CHANDIGARH.



ਪ੍ਰਸ਼ਾਸਨ ਵਿੰਗ
(ਅਮਲਾ-1 ਸਾਖਾ)

ਦਫਤਰ,
ਡਾਇਰੈਕਟਰ ਜਨਰਲ ਪੁਲਿਸ , ਪੰਜਾਬ,
ਚੰਡੀਗੜ੍ਹ ।

To

All Heads of Police offices in Punjab.

No. 12223-323 /E-I(2)
dated Chd the:- 11-11-2017

**Subject: Tentative common seniority lists of Asstt. Sub-Inspectors
(District and PAP)**

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Please refer to the subject noted above.

2. The Hon`ble High Court have passed order dated 16.12.2014
in the following writ petitions:-

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)

3. After examining the whole issue, the Hon`ble High Court
passed directions on 16.12.14 the operative part of which 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 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 as
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.”

a) 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.

b) 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.”

4. To comply with the order/direction of the Hon’ble High Court, a committee of the officers was constituted vide order No. 596-601/E-I (2) dated 28.01.15.

5. Following instructions/guidelines/parameters were adopted to prepare common seniority list of Armed Cadre and District Cadre:-

- i). Effect of instructions No. 11/4/88-1PP/4960 dated 08.04.1991 regarding de-linking the confirmation from the Permanent Posts.
- ii). Effect of Punjab Civil Service (General and Common Conditions of Service), Rules 1994.

Whereas, as per the Rule 12.3 of Punjab Police Rules, 1934 seniority is to be determined by the date of confirmation in the service.

The above position changed w.e.f 04.05.1994 when the Punjab Civil Services (General and Common Conditions of Service), Rules 1994 came into effect and Rule 8 of the these rules became overriding in the light of Rule 20.

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.

6. Rule 13.21 of PPR Power of relaxation:-

Certain officials were granted out of turn promotion under this rule, by the competent authority, on account of good work done by them. They have been assigned same date of promotion already given to them under Rule 13.21 and placed in the seniority list from the dates which they have been granted out of turn promotion. Since, the decision of granting out of turn promotion under 13.21 PPR was taken by competent authority deciding the case at that particular point of time, no occasion arises today to review them.

Seniority of Women Cadre:-

The Govt. of Punjab vide their Notification dated 15.06.1990 women cadre has been formed separate cadre by adding new proviso in rule 1.1 of the PPR.

According to this proviso Women Police wing was made separate cadre and female officials were granted promotions in this cadre. In the year 2009, it was decided vide this office memo No. 9747-48/E-1(2) dated 18.11.2009 that "Lady Insprs, Lady SIs and Lady ASIs will be merged in the general male cadre of the District police based on their date of promotion in the present rank. Accordingly their names are entered in the seniority list. However, the Govt. of Punjab vide their notification dated 25.07.2012 it has been decided to omit the proviso in rule 1.1 of Punjab Police Rules 1934.

Seniority of sportspersons:-

The State Govt. vide its notification dated 28-12-2006 in order to encourage sports and to boost the morale of the sportspersons, created 295 temporary cadre posts for outstanding sportspersons by relaxing provisions of rule 12.3 of PPR 1934 allowing direct recruitment in the ranks of Head Constable to DSP.

Since, these have been considered recruited on 05.12.2003, these sportspersons have been adjusted in the present seniority w.e.f 05.12.2003.

Incompliance with the above, the final seniority list in the rank of ASI & S.I was issued vide this office memo No. 2047-2166/E-1(2) dated 14-3-2016 subject to the following condition:-

- 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 in any matter pending before these Courts.

- c) Decision in the CWP No. 4986 of 2012 pending before the Hon`ble High Court
- d) Any mistake/amendment required to be made out clerical/typographical mistakes detected or any entry no as per office record.

Before finalizing the seniority list Inspector Pardeep Singh and others have filed a COCP No. 1492/2015, in which the Hon`ble High Court has passed orders on 02.09.16 as under :-

“Additional affidavit filed in Court of respondent. Heard the learned counsel for the parties and on considering the submissions which have been put forth by them, what remains to be looked into is the seniority of list D of the Head Constable who are eligible for promotion to the post of ASI prior to 2008 as per the order dated 16.12.2014 as it has been asserted by the counsel for the petitioners that the said seniority has not been finalized, which fact is disputed by the counsel for the respondents.

Let a specific affidavit in this regard be filed alongwith list D of the Head Constable as it stood prior to 2008.

Another aspect which has been pointed out by the learned counsel for the petitioners is that the issue with regard to the implementation of the judgment of Ajit Singh Janjua Vs. State of Punjab & others, AIR 1996 SC 1187, clarification has been sought in the matter by the office of the Director General of Police to which no response has yet been received, as per the instructions received by the counsel for the respondents. He states that the finalization on this aspect would also be pursued at the personal level so that this issue is also resolved once and for all. Statement has also been made by the counsel for the respondents, on instructions from Shri. Inderbir Singh, I.P.S, A.I.G Personnel, that the seniority list of the Inspectors would be finalized within a period of 10 days from today and uploaded as well. List on 24.10.16, for further consideration.”

The above case was fixed for hearing on 23.10.16. The Hon`ble High Court has decided the above issue on 23.10.16 :-

“In the purported compliance of the order dated 02.09.16 passed by this Court, an affidavit of Inderbir Singh, IPS, Assistant Inspector General of Police, Personnel-II, Punjab has been filed in Court. A perusal of the same would show that the seniority list of Inspectors has been finalized and the same has been uploaded on the website on 09.09.16. As regards the aspect of the seniority list of List D of the Head Constables who are eligible for promotion to the post of Assistant Sub Inspector prior to 2008. as per the order dated 16.12.14 the affidavit does not give the seniority list, in fact what has been stated is that seniority has been maintained rangewise but since the promotion of the Assistant Sub Inspectors has to be made from amongst the list D of Head Constables, a common seniority list will have to be prepared of all the List D Head Constables by consolidating all range wise seniority lists and then proceed to pass an order of promotion.

As regards the aspect of implementation of the judgment of Ajit Singh Janjua Versus State of Punjab and others AIR 1996 Supreme Court 1187, it has been stated by the counsel for the petitioners that the said judgment has been given effect to and implemented in the

Telecommunication Wing of the Punjab Police by order dated 11.05.11.

If that be so, the reasons as has been assigned in the affidavit dated 24.10.16 filed in Court today, cannot be accepted.

Let the judgment passed in Ajit Singh Janjua's case be implemented by the respondents within a period of four weeks.

List on 14.12.16 for further consideration."

The Hon'ble High Court has ordered on 23.12.16 as under :-

Additional affidavit of Mr. Tulsi Ram, I.P.S, Deputy Inspector General of Police, Administration, Punjab, Chandigarh has been filed in Court on behalf of respondent No. 2, taken on record, giving therein the detailed schedule for preparing the combined seniority list of PAP and District Police. The said schedule is accepted. According to the said schedule, for each stage, specified time span has been mentioned and the exercise will be completed within a period of 150 days i.e. five months.

Counsel for the respondent State on instructions from Mr. Gurtej Singh, Superintendent (Litigation) O/o DGP Punjab, further states that while framing/finalizing the combined seniority list the judgment passed by the Supreme Court in Ajit Singh Janjua's case, would also be given effect to.

*Accepting the submissions as made by the counsel for the respondents and keeping in view the affidavit which has been filed in Court today, **the hearing of the contempt petition is deferred to 08.03.17. The status report be filed on or before 05.03.17.***

An additional affidavit dated 06.03.2017 of Sukhwant Singh Gill, IPS, AIG/Personnel was placed on record. The Hon'ble High Court have passed order on 08.03.2017 that learned counsel for the petitioners has pointed out that the judgment of Hon'ble Supreme Court rendered in the case of SI Paras Kumar and others Vs SI Ram Charan and others 2004 (2) SCT 399 has to be addressed while fixing seniority of Police Personnel, who have gained out of turn promotions. Learned State counsel prays for some time assuring the court that the authorities are aware of the said judgment and the same would be duly considered while doing so.

7. The matter was discussed and decided that the seniority is to be re-casted in the rank of Head Constables from list C-I w.e.f. 01.01.1975. As such, a meeting of the Range Superintendents as well as dealing hand were called on 04.01.2017, 20.01.2017, 25.01.2017 and 23.02.2017 and they were directed to submit the service particulars of each officials either in service or retired or expired etc.

On the basis of service particulars received from Ranges/units, a final seniority lists of Head Constables on the basis of Lower school course merit /list C-I/C-II from 01.01.75 to 19.02.2008 has been circulated to all heads of police offices. On the basis of final seniority

of Head Constables, a tentative combined seniority list (District & PAP) in the rank of ASI upto 19.02.2008 have been prepared on the following parameters :-

- a) The seniority of 554 officials who are promoted in the rank of ASI prior to 01.01.1988 has been fixed, keeping in view of their date of promotion in the rank of Head Constable. Thereafter seniority in the rank of ASI has been prepared, keeping in view the seniority in the rank of Head Constable.
- b) The Head Constables, who had not passed I.M.S.C, which is mandatory for promotion in the rank of Head Constables TILL THEIR RETIREMENT/DEATH, have not been considered for promotion to the rank of ASI as they cannot fulfill the basic criteria for promotion.
- c) The officials who have been brought on list D-II have been assigned revised date/seniority .
 - i) Officials who were given D-II with immediate effect and they are considered for promotion under rule 13.9(2) i.e promotion within 10% quota of vacancies.
 - ii) Officials who are exempted from passing the Intermediate School Course and ordered that they will not supersede their seniors and their names will be brought on promotion list D-II ,when their next seniors to them qualify the I.M.S.C and brought on promotion list D-I, they have been considered for promotion as per their seniority with their counterparts.
 - iii) Officials who were exempted from passing IMSC, admission to promotion list D-II (Exemptee) and further promoted as ASI with immediate effect in exercising the powers under rule 13.9(2) read with 13.21 of P.P.R and they are given same date of promotion list D-II and promotion in the rank of ASI ,which they are already holding.
- d) The seniority of P/ASIs batches have been prepared, keeping in view of merit of marks obtained at the time of their recruitment as per the Government instructions issued from time to time . Their seniority have already fixed and circulated after implementing Ajit Singh Janjua Judgment earlier .

In the case of persons recruited by direct appointment, who join with the period of specified in order of appointment, their seniority have been maintained as per their merit fixed at the time of their recruitment. It has been decided that if the promotee have joined in the rank of ASI prior to the

candidates selected from merit list then the promote are to be considered senior then the direct recruitments (waiting list).

- e) The Government of Punjab vide their letter no. 3/34/99/3PP1/12565 dated 22/10/1999 have issued instructions regarding implementation of Ajit Singh Janjua Judgment- 1.A No. 1-3 in C.W.P. Nos. 3792-3794. The Govt. of Punjab, Personnel department (PP-1 Branch) vide circular No. 4/40/13-3 PP1/855 dated 10.10.2014 has issued clarification regarding whether the roaster point is to be considered as seniority point. In these instructions the Govt. has clarified that reservation register/roaster registers are only an aid to ensure that scheduled castes, Scheduled Tribes and other backward classes get quota reserved for them. These register/roaster register do not determine seniority. Keeping in view the, the Govt. instructions/clarification issued in the year 1999 and 2014 the seniority of ASI have been fixed
- f) The P/ASIs, who have been appointed on compassionate grounds have been placed in their seniority list, keeping in view their date of their allocation of enlistment.
- g) As per provisions in P.P.R, seniority of N.G.O.'s is to prepared on the basis of date of confirmation coupled with seniority of promotion lists. The Government of Punjab vide letter No. 11/4/88-1PP(1)/4960 dated 08.04.1991 have de-linked confirmation from the permanent vacancy. As per these instructions, the orders of confirmation of an employee should simultaneously follow when orders regarding satisfactory completion of his probation period are passed.
- h) The Punjab Civil Services (GENERAL AND COMMON CONDITIONS OF SERVICE RULES, 1994) came into force w.e.f. 04.05.1994. According to 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 the Service".
- i) The seniority of ASI's (promotee and Probationer) have been prepared on the basis of confirmation (Rules and Instructions as stated in Para "h") up to 03.05.1994. The seniority from 04.05.1994 have been prepared keeping in view the length of service (rules stated in Para "i" came into force w.e.f. from 04.05.1994).
- j) 295 Sports person who were promoted in excess of 10% quota have been reverted to C-II as per the orders of Hon'ble High Court.

As the Government had re-appointed them after giving relaxation in rules and created cadre posts for them as such their names have been included in the seniority list. Sports person of district Cadre and others who were promoted excess of 10% quota have not been included in the seniority list as State Government had created diminishing cadre posts (207 and 393) for them as a personal measures. 41 officials of Armed Bns. were facing considerable loss of seniority and likely to be reverted to lower ranks on account of re-casting of seniority and to mitigate the adverse effect of reversion and avoid demoralization in the police ranks, the Govt. of Punjab, Department of Home Affairs and Justice vide his letter No. 04/21/2016-5G3/1126 dated 05.05.16 and No. 4/21/2016-5G3/1727 dated 22.06.16 had created additional 41 posts (SP/04, DSP/18, Inspr./11, Sub Insp./08) as Dying Cadre. As such, the names of officials/officers who falls in the list of 207 and 393 and 41 have not included in the seniority lists.

- k) The women ASIs , who were promoted during the period from 2002 to 25.07.2012 against sanctioned strength of women in rank of ASI have been placed in the seniority list from their actual date of promotion in women cadre.
- l) Rule 12.3 of PPR provide that direct appointments shall not be made except in the rank of Inspector, prosecuting Sub-Inspector and Assistant Sub-Inspector. Such appointments in the rank of inspector and Assistant Sub-Inspector may be made up to a maximum of ten per cent and twenty-five per cent of vacancies, respectively.

From the perusal of record, it is observed that we have not directly recruited ASI against the twenty five percent vacancies as per, rule 12.3 prior to 1988 . In the year 1988 and onwards we have made direct recruitments keeping in view the twenty five percent of the cadre strength. As such, the direct recruitment made in the year 1988 and onwards are not required to be disturbed at this stage.

9. You are therefore, requested to certify after perusal of the record whether the particulars of officials related to your office **(serving/retired/expired or on deputation)** are in order and they are eligible for promotion and confirmation in the rank of ASI from the proposed revised dates. If not eligible, then the next date from which they will be eligible be intimated to this office. You are also requested to

circulate this tentative seniority list of ASIs amongst all the concerned officials/officers (serving/retired or promoted in higher ranks)related to your office . If any official/officers have been left out from this list or have any objection regarding seniority, then his representation alongwith your comments may be sent to this office after verifying from the service records within a period of 07 days positively from the date of issue of seniority list. No representation will be entertained after the expiry of prescribed period of 07 days.

A copy of the tentative combined seniority list of ASI (PAP and Districts) is available on Punjab Police Website w.w.w.punjabpolice.gov.in. Acknowledge its receipt.

This has the approval of D.G.P/Admn.

A.I.G/Pers.
for Director General of Police,
Punjab, Chandigarh.

No. /E-1(2) dated Chd the:- .11.2017

A copy of the above is forwarded to the Incharge website Punjab Police Hqrs. Chandigarh with the request to upload the above seniority list of ASI on the Punjab Police Website today positively.

A.I.G/Pers.
for Director General of Police,
Punjab, Chandigarh.