

<p>OFFICE OF THE DIRECTOR GENERAL OF POLICE PUNJAB, CHANDIGARH.</p>	 <p>ਪ੍ਰਸ਼ਾਸਨ ਢਿੰਗ (nwbk-1 ਸ਼ਾਖਾ)</p>	<p>dcso, ਕਫ਼ੀਲੇਨੋ ਿ ਡੋਬ ਗਫ਼ਬ; , ਗਿ ਕਪ, ਅਮਰਿ ਯੂ.</p>
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**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 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.

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.

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. As per order/directions of the Hon'ble High Court, a tentative seniority list of Inspectors was prepared and circulated to all heads of police vide memo No. 2241-2340/E-1(1) dated 17.03.2016. The tentative seniority list was also uploaded on Punjab Police website for information to all concerned officials and they were asked that if they had any objection regarding their seniority they can submit the same within 7 days.

Around 76 officers filed objections regarding the tentative seniority. The following officers also requested for personal hearing:-

Sr.	Name
1	Sh. Wazir Singh, PPS, DSP
2	Sh. Rajbalwinder Singh, PPS, DSP
3	Inspr. Dilpreet Singh, 28/PR
4	Inspr. Ravinder Singh, 286/BR
5	Inspr. Preetinder Singh, 264/BR
6	Inspr. Sikander Singh, 275/BR
7	Inspr. Harminder Singh, 274/BR
8	Inspr. Kanwalpreet Singh, 331/BR
9	Inspr. Sanjiv Kumar, 338/BR
10	Inspr. Sumit Sood, 235/PR
11	Inspr. Vinod Kumar, 400/PR
12	Inspr. Ashok Kumar, 367/PR
13	Inspr. Bhupinder Singh, 22/FDR
14	Inspr. Varunjit Singh, 279/PR
15	Inspr. Surinder Singh, 293/BR
16	Inspr. Gurbachan Singh, 374/PR
17	Inspr. Sanjay Kumar, 368/PR
18	Inspr. Om Parkash, 498/JR
19	Inspr. Rajan Parminder, 382/PR
20	Inspr. Anil Kumar, 340/BR
21	Inspr. Bakhshish Singh, 27/FDR
22	Inspr. Sukhbir Singh, 103/PR

3. To examine the objections/claims, a committee of officers was constituted. Since a lot of objections/claims were common in nature. It was decided by the committee to club the similar issues. The objections/claims were examined by the committee thoroughly and personal hearing were also given to them who asked for the same. After scrutinizing the report of the committee, the objections/claims are decided as under :-

- (i) Issue raised by : Sh. Harwinder Singh, DSP No. 518/PAP, Inspr. Sanjiv Kumar No. 641/PAP, Sh. Randeep Singh, PPS, No. 325/PAP, SP, Sh. Gurmeet Singh, PPS, DSP No. 477/PAP, Sh. Gurmeet Singh Cheema, PPS, DSP no. 1012/PAP, Sh. Baljit Singh, PPS, No. 710/PAP, SP, Sh. Jagdev Singh, DSP No. 725/PAP, Inspr. Sukhev Singh No. 793/PAP, Sh. Varinderpreet Singh, DSP, 651/PAP, Inspr. Gurmukh Singh, 703/PAP, Inspr./CR Balwant Singh, 702/PAP, Sh. Sohan Lal, 649/PAP, DSP, Sh. Ranjit Singh, 463/PAP, DSP,

Inspr. Mahavir Singh, 792/PAP, Inspr. Satpal No. 421/PAP, Sh. Jagdeep Singh, 648/PAP, DSP, Sh. Gurmail Singh, 1008/PAP, DSP and Inspr. Kulwinder Singh, 53/PAP.

They have stated that they got promotions in PAP within 10% quota or 5% sports quota and now serving as SP/DSP/Insprs. In compliance with orders of Hon'ble High Court dated 21.04.1998 passed in CWP No. 13788 of 1997 their promotions dates upto the rank of SI were changed, but their 'F' list and above promotions were not changed. The sportsmen of Armed Police Cadre, who were promoted over and above 10% quota from list C-II in PAP and reverted to the rank of Constable C-II in compliance with Hon'ble High Court order passed in CWP No. 13788/97, have been adjusted in the same rank which they were holding w.e.f. 05.12.2003, are junior to them and now they have been shown senior in the seniority list of Inspectors. They have requested that they may be adjusted above them by creating posts like 295 posts of sportsmen of Armed Cadre and 207 dying cadre of Distt. Police and their ranks may be protected.

After scrutiny of the records, it is found that in compliance of the Judgment dated 21.04.1998 passed by the Hon'ble High Court in CWP No. 13788 of 1997, 431 officials of Armed BNs who were promoted in excess of 10% quota from C-II were reverted. But to safe guard the ranks of these officials, Govt. created 431 ex-cadre posts for adjustment of these sportspersons in various ranks. These sports persons were appointed against ex-cadre posts in the ranks which they were holding at the time of reversion. Subsequently, 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 cadre posts for outstanding sportspersons by relaxing provisions of Rule 12.3 of PPR 1934 allowing direct recruitment at each of the following level :-

1	DSP	04
2	Inspr.	22
3	SI	53
4	ASI	63
5	HC	153
	Total	295

These 295 sportspersons stand recruited from the date they were appointed in ex-cadre posts dated 05.12.2003. Now, in the revised seniority these sportspersons of PAP have been included in the tentative seniority of list of Inspectors w.e.f. 05.12.2003. Since, these have been considered recruited on 05.12.2003, these sportspersons have been rightly adjusted in the present seniority. Representationists and some other officers, who were promoted within 5% sports quota and within 10% quota of C-II, are claiming that they may be given seniority in the rank of Sub-Inspector and Inspector over and above 295 officials, as such, their seniority should be protected. Their claim cannot be considered at this stage as the seniority of Armed BNs and Distt. Cadre have been merged w.e.f. 01.01.1988 and they have been assigned their due seniority in the General Cadre. 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 08.10.15:-

“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.”

This case is now listed for hearing on 11.04.2016. Since, the matter is already under consideration of the Hon'ble High Court, any decision taken as on date shall be inappropriate and the committee is of the view that 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.

Further, regarding the claim of certain officers for considering promotion under 5% quota for promotion to outstanding sportsmen as envisaged under rule 13.1 of PPR, the Committee is of the view that necessary information in this regard needs to be obtained from the office of ADGP/Armed Bns. Therefore, he has been requested to intimate the names of those sportspersons who are eligible for promotion within 5% quota under PPR 13.1(3). The information in this regard is awaited and further action shall be taken on receipt and scrutiny of recommendations of ADGP/Armed BNs. in the light of various judgments passed by the Hon'ble Court from time to time. As such, no action at this stage is contemplated on the claim/objections raised by applicants.

(ii) Issue raised by : Inspr. Rajesh Kumar No. 462/PR

He was enlisted as P/ASI in the year 1990. His name is placed at seniority No. 1379 in the seniority of Sub-Inspectors and has been assigned revised date of promotion as SI w.e.f. 24.12.1996. He was earlier promoted to the rank of Inspr w.e.f. 30.06.2005, but in the tentative seniority list of SIs his name has not been shown. As such, his name is required to be placed between Inspr. Azad Davinder Singh No. 371/BR (Inspr. Seniority No. 1245) and Inspr. Dilbar Singh No. 1805/Jall (Inspr. Seniority No. 1246) by placing his name on list 'F' dated 01.09.2007, as his service record is satisfactory.

Earlier Inspr. Rajesh Kumar No. 462/PR was granted list 'F' dt. 30.06.2005, but in the seniority list of Insprs. prepared in the year 2011 he has been given promotion list 'F' dated 01.02.2010 as per his seniority alongwith his batch mates. In the combined seniority of PAP & Distt. Police now prepared, he was assigned 'F' list w.e.f. 01.09.2007. The tentative seniority list was circulated to all CPs and Range DisG vide memo No. 1317-28/E-I(I) dt. 15.02.16, with the request to confirm the entries and whether the officers are eligible from the dates shown or otherwise. With regard to Insp Rajesh Kumar, DIG/LR/LDH has intimated that :-

**“If the cut of date of ACR is taken 31.03.2007 then he would be eligible otherwise his ACR for the period from 06.05.2007 to 06.02.08 is adverse. If the ACR is taken into consideration then he would be eligible w.e.f. 07.02.2013.”**

As per Govt. instructions issued vide No. 5637-25II-74 dated 29.07.1974, No. 2172-25II-75/15598 dated 28.04.1975, No. 11540-2G51-77/2402 dated 23.01.7, No.

745-2PP-78/8446 dated 13/14-3-78 and PG No. 15/23/92-1PPI/9158 dated 28.05.93, the Controlling authority shall furnish to the Reporting Authority concerned the Annual Confidential Report Forms by the 10<sup>th</sup> April, each year. The Annual Confidential report shall be written for each year by the Reporting authority by the 30<sup>th</sup> June, each year. The Reviewing Authority shall record its remarks by th 15<sup>th</sup> August each year and the Accepting authority shall record its remarks by 30<sup>th</sup> September each year. As such, if the promotions are made prior to October then the cut of date for counting the ACRs is fixed an year back. Therefore, for list 'F' dated 01.09.2007 the cut of date for counting ACRs should be 31.03.2006. As such, the adverse ACR for the period from 06.05.07 to 06.02.08 have no effect for granting 'F' list w.e.f. 01.09.07 to him. Hence he is assigned 'F' list w.e.f. 01.09.07 and has been included in the seniority at appropriate place.

(iii) Issue raised by : Inspr. Sukhdev Singh No. 18/CID

He has stated that he was enlisted as P/ASI on 16.10.1989. His name has been placed at No. 1114 in the seniority list of Inspectors. The officials mentioned at Sr No. 720 to 1113 are junior to him in the rank of ASI but these have been placed above him.

As per rule 13.18 of PPR all Police Officers promoted in the rank shall be on probation for two years and as per Rule 12.8 of PPR, who are directly appointed will be considered to be on probation for three years. Rule 12.3 of Punjab Police Rules, 1934 provide that seniority is to be determined by the date of confirmation in the service. This position changed w.e.f. 04.05.1994 when the Punjab Civil Service (General Common Conditions of Service) Rules, 1994 came into effect. The officials vis a vis he is claiming seniority, were recruited as Const. and got promoted as ASIs upto 25.07.1990 and they were confirmed after 02 years on 25.07.1992 whereas Inspr. Sukhdev Singh 18/CID was confirmed on 16.10.1992. The promotee officials mentioned by the applicant were confirmed in the rank of ASI prior to him. Therefore, the above officials have been rightly placed above in the seniority list as per their dates of confirmation because prior to 4-5-1994, the seniority was based upon the date of confirmation and the same parameter has been followed in this regard. As such his claim cannot be accepted.

(iv) Issue raised by : Inspr. Ranjit Singh No. 165/J

He has stated that Inspr. Rajinder Singh, 391/PR, Inspr. Satish Kumar, 1683/LDH, DSP Lakhwinder Singh, 660/PAP, Inspr. Dharampal Chhabra, 374/PAP, Inspr. Palwinder Singh, 1069/PAP, Inspr. Puran Singh No. 1026/PAP, Inspr. Vikram Chand No. 807/BR are junior to him in the Sub-Inspector seniority but they have been shown senior to him in the seniority of Inspectors.

Certain officials were granted out of turn promotions under PPR 13.21, by the competent authority, on account of good work done by them. They have been assigned place in the seniority list from the date which they 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, the same cannot be revisited at this stage. All these officials vis a vis whom Insp Ranjit Singh 165/J has claiming seniority, have been granted out of turn 'F' list under PPR 13.21 and promoted

in the rank of Inspector. As such, he cannot claim seniority over and above these officials.

- (v) Issue raised by : Sh. Balraj Singh, DSP No. 103/FR, Sh. Paramjit Singh, DSP No. 444/J, Sh. Hardevinder Singh, DSP No. 231/FR, Sh. Bhupinder Singh No. 25/FR

They have stated that the probationers Inspectors have been placed at seniority No. 224 to 231 and 549 to 560, as per their date of Enlistment as Inspr, whereas the P/ASIs enlisted in the year 1988 have not been given list 'D' from the date of enlistment. Probationer Insprs are required to be included after completion of their probation period. As per PPR, 'F' list is required to be prepared in each year, but in the year 2000 no 'F' list has been prepared. As per Hon'ble Supreme Court judgment the reservation is not to be given at the time of promotion. Sh. Hardevinder Singh DSP No. 231/FR has mentioned that the State Govt. Instructions dated 08.04.1991 reg. Confirmation may be implemented w.e.f. 28.02.2003 the date from which the Notification was issued by the Govt.

The officials in question were appointed as P/Inspr after the Punjab Civil Service (General and Common Conditions of Services) Rules, 1994. According to Rule 8 of these Rules seniority shall be determined by the length of continuous service on such post in that cadre of service. As such they have been assigned seniority from the date of their appointment keeping in view the length of service. With regard to, the benefit of reservation it is submitted that the Govt. of Punjab, Deptt. of Welfare (Reservation Cell) vide memo No. 6/30/2015-2H1/659296/1 dated 05.01.2010 has requested to the Secretary to Govt. of Punjab, Deptt. Of Personnel, Chandigarh to withdraw the instructions dated 10.10.2014 issued by the department of Personnel, which has created a lot of confusion among the departments while determining seniority of employees and also because it looks apparently in contradiction to the State's policy reg. implementation of the 85<sup>th</sup> Constitutional Amendment by Punjab Govt. w.e.f. 17.11.2005 as issued by the Personnel deptt. vide letter dated 15.12.05 and the advice issued by the Personnel deptt. dated 13.03.2011 based on the decision taken by the Cabinet on 03.09.2010. In this regard clarification has been sought from the Govt. vide memo No. 1134/Con. SA-3 dated 03.03.16. As such, decision in this regard will be taken on receipt of clarification from the Govt. With regard to the objection that no 'F' list has been given in the year 2000, on perusal of record it is found that there were 204 vacancies as on 25.06.99. 221 Sub-Inspectors had already been granted 'F' lists w.e.f. 28.04.1999 vide order No. 29891-999/E-I dated 29.11.1999, 30341-440/E-I dated 02.12.1999, 7989-8000/E-I dated 19.04.2000, 9157-70/E-I dt. 03.05.2000, 13389-400/E-I dt. 08.06.2000 and 19288-93/E-I dt. 17.08.2000 for which the vacancies of year 2000 were already consumed. As such, no fresh 'F' list can be prepared for year 2000 for the lack of vacancies.

As regard the issue raised by Sh. Hardevinder Singh No. 231/FR, DSP reg. implementation of Govt. Instructions dated 8-4-1991 reg. de-linking of permanent vacancies from confirmation, w.e.f. 28.02.2003, this issue was raised by P/ASIs of 1988 batch at the time of finalizing the seniority of Sub-Inspector. It was decided that the

Instructions in question dated 08.04.1991 were issued by the department of personnel for simplification of the confirmation procedure. The conformation would be delinked from availability of permanent vacancy in the grade. In other words, an officer who has successfully completed the probation may be considered for confirmation. The Govt. of Punjab vide their notification dated 28.05.1997 had stated that these instructions shall be deemed to have come in to force on and with effect from the 08.04.1991. Hence their objection is not valid.

(vi) Issue raised by : Sh. Jaskaran Singh Teja, PPS, No. TP/104

He has stated that his name stands at seniority No. 227 and his date of birth has been mentioned as 30.12.1966, whereas his correct date of birth is 30.12.1977. He has also requested that his seniority may be fixed as per date of birth.

After scrutinizing the record it found that his correct date of birth is 30.12.1977. There is no effect of DOB in the seniority list. However, the date of birth has been corrected.

(vii) Issue raised by : Sh. Parshottam Singh, DSP No. 346/PR, Sh. Karansher Singh, DSP No. 283/PR, Sh. Ramandeep Singh, DSP No. 250/BR, Inspr. Sukhminder Singh, 59/PR, Inspr. Hardeep Singh, 55/PR, Sh. Gurdev Singh, DSP No. 334/PR, Sh. William Jeji, DSP No. 88/J , Inspr. Rajwinder Singh, 399/PR, Sh. Krishan Kumar, DSP No. 345/PR and Inspr. Rajesh Kumar No. 65/PR.

They have stated that they are P/ASIs of 1990 batch and their names stands at No. 1241, 1243, 1278, 1313, 1223, 1201, 1312, 1238, 1304 and 1254 in the seniority of Inspectors. The Inspectors at Sr. No. 838 to 862 have been wrongly placed above them in the seniority of Inspectors. They have also stated that 'F' list is required to be prepared each year according to vacancies, but in the year 2004 and 2006 only few Insprs have been shown. Necessary correction may be made.

The officials whose names are mentioned from Sr. No. 838 to 862 are sportspersons. The decision with regard to this similar objection was dealt by the committee while finalising the issues/objections with regard to the tentative list of ASIs/SIs. However for the sake of repetition, it is reiterated that, the State Govt. had created cadre posts for these sportspersons w.e.f. 05.12.2003 allowing direct recruitment in the rank of Inspectors. Since they have been considered to be recruited on 05.12.2003, these sportspersons have been adjusted in the present seniority w.e.f. 05.12.03. This matter however, as 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 08.10.15:-

"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."

This case is now listed for hearing on 11.04.2016. Since, the matter is already under consideration of the Hon'ble High Court, any decision taken as on date shall be inappropriate. 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. As such, no action at this stage is contemplated on the claim/objections raised by them.

- (viii) Issue raised by : Inspr. Sarabjit Singh, 132/PAP, Inspr. Lakhwinder Singh, 812/PAP, Inspr. Surjit Singh, 822/PAP, Inspr. Bhagwan Singh, 317/PAP, Inspr. Ram Avtar, 853/PAP, Inspr. Tulsi Dass, 896/PAP, Inspr. Bhupinder Pal, 905/PAP, Inspr. Raj Kumar, 29/PAP and Inspr. Manjit Singh, 612/PAP

They have stated that the General Common Condition Rules 1994 should not be implemented, seniority should be fixed under Rule 12.3 of PPR, from 1988 to 1992 P/ASIs were recruited in excess of 25% quota, they qualified Upper School Course as per PPR 13.10 in the March, 1994, their seniority should be fixed before P/ASIs of 1990 batch, as these ASIs qualified Upper School Course in the 1004-2005. They have also stated that in the year 2007 the recommendations of the Committee, 201 SIs for promotion to the rank of Inspr. were approved by the then DGP on 25.08.2007, the same may be implemented. Inspr. Manjit Singh No. 612/PAP has also submitted that his objections against Sub-Inspector seniority have not been decided yet.

They submitted their objection at the time of issuance of tentative seniority list in the rank of ASI and Sub-Inspectors. All these issues have been discussed in detail. After giving personal hearing to some of them their claims have been thoroughly considered and rejected by the competent authority based upon the recommendations of the committee. As regards, passing the speaking orders on their earlier objections, the detailed speaking order has been passed by this office order No 3046-3145/E-1(2) dated 8-4-2016 and the same is being conveyed to all concerned through their respective units as well as uploading it on the official website.

- (ix) Issue raised by : Inspr. Davinder Kumar, 465/PR, Inspr. Dilbag Singh, 275/PR, Inspr. Achru Ram, 49/PR, Inspr. Lakhbir Singh, 26/JR, Inspr. Jagbir Singh, 92/PR, Inspr. Deepak Rai, 330/PR, Inspr. Dharampal No. 24/JR and Inspr. Satpal No. 390/PR.

They have stated that they are P/ASIs of 1990 batch. In the tentative seniority list of Inspectors their names have not been shown alongwith their batchmates. The Inspectors at Sr. No. 838 to 862 have been wrongly placed above them in the seniority of Inspectors. The officials mentioned at Sr. No. 58, 65, 86, 94 and 67 others have since been expired but their names still shown in the seniority, whereas the vacancies arisen due to their death are required to be filled up by next ones. They have also mentioned that 7 officials who are junior to them in the seniority of SIs but now shown as senior to them. They have requested that their names may be included in the seniority list of Inspectors. Inspr. Jagbir Singh No. 92/PR has requested that only 23/24 officials of 1990 batch remained to be included in the seniority list of Inspectors. He has requested that his name may be also included alongwith his batchmates in the seniority list by giving him list 'F' dt. 01.02.2008. Inspr. Deepak Rai No. 330/PR has also submitted that Punjab Civil Service (General and Common Conditions of Services) Rules 1994, came into effect from 04.05.1994, but on perusal of seniority it appears that promotions to the rank of SI after 04.05.1994 have not been made as per length of service.

The 23 officials whose names are mentioned in the seniority list at Sr. No. 838 to 862 are sportspersons. The State Govt. had created cadre posts w.e.f. 05.12.2003



allowing direct recruitment in the rank of Inspectors. Since these have been considered recruited on 05.12.2003, these sportspersons have been adjusted in the present seniority w.e.f. 05.12.03. As such, they cannot claim seniority over and above these sportspersons. 7 officials who being junior have been placed in seniority above them, as mentioned in the representation, have found to be granted list 'F' under PPR 13.21 by the competent authority on the basis of outstanding work done by them. As such they cannot claim seniority over these 7 officials. As regards, their request for entry to list 'F' w.e.f. 01.02.008 alongwith their batchmates in the seniority list, this matter has been again examined and found that there are still some vacancies in the rank of Inspector as on 19.02.2008. As such, keeping in view the vacancies next eligible officials have been included in the final seniority list and granted list 'F' w.e.f 1-2-2008. So this claim has been accepted. With regard to effect of Punjab Civil Service (General and Common Conditions of Services) Rules, 1994, coming into effect from 04.05.1994, the matter had been deliberated in detail earlier. The ASIs who have been confirmed in the rank of ASI prior 04.05.1994 have been promoted on the basis of their seniority from the date of confirmation. The Punjab Civil Service (General and Common Conditions of Services) Rules, 1994, came into effect from 04.05.1994, as such, thereafter Sub-Inspectors have been promoted as per length of service.

- (x) Issue raised by : Inspr. Dilpreet Singh, 28/PR, Inspr. Ravinder Singh, 286/BR, Inspr. Preetinder Singh, 264/BR, Inspr. Sikander Singh, 275/BR, Inspr. Harminder Singh, 274/BR, Inspr. Kanwalpreet Singh, 331/BR, Inspr. Sanjiv Kumar, 338/BR (SI), Inspr. Sumit Sood, 235/PR, nspr. Vinod Kumar, 400/PR, Inspr. Ashok Kumar, 367/PR, Inspr. Bhupinder Singh, 22/FDR, Inspr. Varunjit Singh, 279/PR, Inspr. Surinder Singh, 293/BR, Inspr. Gurbachan Singh, 374/BR, Inspr. Sanjay Kumar, 368/PR, Inspr. Om Parkash, 498/JR, Inspr. Rajan Parminder, 382/PR, Inspr. Anil Kumar, 340/BR, Inspr. Bakhshish Singh, 27/FDR and Inspr. Sukhbir Singh, 103/PR (1993 batch).

They have stated that they are P/ASIs of 1992 batch. They have submitted their objections against Sub-Inspector seniority. But as per orders of Hon'ble High Court passed in CWP No. 4829/2011, their objections have not been decided by passing speaking orders rather final seniority of Sub-Inspectors has been issued. They have also requested for personal hearing.

All these persons were called for personal hearing on 05.04.2016, but only 07 officials attended. They raised same objections which they raised at the time of issuance of tentative seniority list of ASI/Sub-Inspectors. The parameters adopted at the time of preparing the tentative seniority list in the covering letter of seniority list issued to all field officers were also uploaded on the website. They were also informed that as per the orders of the Hon'ble High Court in CWPs No. 4829/2011 and 9 others, the combined tentative seniority list, keeping in view the PAP as a part of Distt. Police, in the rank of Inspr. have been prepared upto 19.02.2008. In this seniority list last candidate who was promoted as Sub Inspr. on 02.01.1999, have been assigned 'F' list w.e.f. 01.02.2008. The Punjab Police Act, 2007 came into effect w.e.f. 20.02.2008 which provides four cadres, as such, the seniority list in the rank of Inspector w.e.f. 20.02.2008 will be prepared cadre wise. Their names will be included in the seniority of Distt. Cadre, keeping in view their revised date of promotion in the rank of Sub-

Inspector. This seniority list is also being prepared shortly. As regards, passing the speaking orders on their earlier objections, the detailed speaking order has been passed by this office order No 3046-3145/E-1(2) dated 8-4-2016 and the same is being conveyed to all concerned through their respective units as well as uploading it on the official website.

- (xi) Issue raised by : Sh. Piara Singh, PPS, DSP/CR No. 628/PAP, Inspr. Surjit Singh, 848/PAP and Inspr. Nirmal Singh No. 811/PAP.

They have stated that they got promotions in PAP upto the rank of Inspr./DSP. In the new seniority their names have not been included. In the year 1993, 5 IRBNs were created and option from the Distt. Police officials were sought for their posting in PAP (IRBNs) after promotional courses, but nobody given willingness. As such official of PAP were promoted against those posts. They have not got any out of turn promotion in PAP. All the Inspectors shown in the seniority list who were earlier promoted as Inspector on 01.02.2010 are junior to them. They have requested that they may be included in the seniority list of Inspectors above them.

The seniority list has been revised in compliance with the orders of Hon'ble High Court in CWP No 4829/2011 after treating Distt and PAP as one cadre upto the year 2008. Since the matter has already been decided by the Hon'ble High Court. The claim/objection raised here is of no consequence.

- (xii) Issue raised by : Sh. Harinderpal Singh, PPS, DSP No. 420/J

He has stated that his date of birth has been mentioned as 04.03.1960, whereas his correct date of birth is 04.03.1968.

After scrutinizing the record it found that his correct date of birth is 04.03.1968. The date of birth has been corrected in the seniority list.

- (xiii) Issue raised by : Sh. Wazir Singh Khaira, DSP/Hqrs. SAS Nagar, Sh. Rajbalwinder Singh, DSP SD Kharar, and Sh. Rajinder Singh Sohal, DSP/Rajpura.

They have raised objections that the State Govt. Instructions dated 08.04.1991 reg. Confirmation may be implemented w.e.f. 28.02.2003 the date from which the Notification was issued by the Govt. That the P/ASI (PLIs) may be included in the seniority list according to their date of joining not by date of allocation. That as per Punjab Govt. instructions and the Janjua Judgment of 2003 the benefit of SC can be given only once in promotion. Sh. Rajinder Singh Cheema and Satish Malhotra are ASIs of 1990 and they are of 1988, and are junior to them. That the record of SIs may be got checked from DIsG/Ranges/PAP/CPSs and the womens got promotions under PPR 1.1 since 1990 against ladies quota may not be included in general cadre seniority. They have also requested for personal hearing.

The objections raised by these officers have already been decided. It was decided that the instructions reg. Confirmation issued vide No. 11/4/88-1PP/4960 dated 08.04.1991 and Punjab Civil Service (General and Common Conditions of Services) Rules 1994, are to be effected from the date of issue of these instructions. These officers were recruited as P/ASIs in the year 1988 and allocated to different Ranges for issuance of their appointment letters. They joined on different dates at the

place of posting. They creates problems for fixation of their seniority. As such, it was decided that all these officials may be considered for seniority from the date of allocation by this office. Similar situation was created in the cases of officials appointed under PLI or appointed by promotion. As such, it was decided all such officials may be assigned seniority from the date of their allocation by this office. Reg. benefit of reservation it is submitted that the Govt. of Punjab, Deptt. of Welfare (Reservation Cell) has requested to the Secretary to Govt. Of Punjab, Deptt. Of Personnel, Chandigarh to withdraw the instructions dated 10.10.2014 issued by the department of Personnel, which has created a lot of confusion among the departments while determining seniority of employees and also because it looks apparently in contradiction to the State's policy reg. implementation of the 85<sup>th</sup> Constitutional Amendment by Punjab Govt. w.e.f. 17.11.2005 as issued by the Personnel deptt. vide letter dated 15.12.05 and the advice issued by the Personnel deptt. on 13.03.2011 based on the decision taken by the Cabinet on 03.09.2010. In this regard clarification has been sought from the Govt. vide memo No. 1134/Con. SA-3 dated 03.03.16. As such, decision in this regard will be taken on receipt of clarification from the Govt. Certain officials were granted out of turn promotions under PPR 13.21, by the competent authority, on account of good work done by them. They have been assigned place in the seniority list from the date which they 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, the same cannot be revisited at this stage. Sh. Rajinder Singh Cheema and Satish Malhotra were given list 'F' w.e.f. 29.04.03 & 20.05.03 respectively as such, they cannot be assigned seniority over and above these officials. Lady Inspr. Kashmir Kaur, Leela Devi, Sheela Rani and Rajwant Kaur have already been promoted ASIs prior to 1990. They were given revised date of Sub-Inspector as per their seniority of ASIs. They have not been assigned any benefit of Women Cadre in revised seniority list.

(xiv) Issue raised by : Sh. Gurdev Singh, PPS No. 886/PAP, DSP/Excise & Taxation, Punjab.

He has stated that in compliance with the orders of Hon'ble High Court in CWP No. 15496 of 2009, sonority list of ASIs, SIs & Insprs. Are proposed to be re-casted w.e.f. 01.01.1988 which is against the rules prevalent at the relevant time and the natural justice. The re-casting of seniority at this stage from 01.01.1988 will hamper his service career, as it will cause loss to his seniority. He was enrolled in PAP as constable on 13.08.1981 and had earned promotions upto the rank of SIs on his turn and seniority. For cogent reasons of extran ordinary contribution in the line of duty, his name was approved for list 'F' (executive) out of turn vide memo No. 11295/E-I(I) dated 16.04.2003. The matter was examined in detailed by the Hon'ble High Court in CWP No. 11385/2003 filed by S. Jaswant Singh impleading him as one of the respondent, which was dismissed. In the year 2011 on the recommendation of Officers Committee constituted under the orders of Hon'ble High Court in CWP No. 566/2010, his case was again re-considered and speaking order dated 28.05.2011 was passed. He has further submitted that in the case of Satnam Singh Vs the Punjab State Electricity Board,

2009(2) SCT 15, the Hon'ble High Court has held in para 30 of the judgment that "it is well settled law that the order which have attained finality cannot be set aside by change of law subsequently." Since the judgment said CWP No. 11385/2003 has attained finality, therefore, his seniority fixed in the implementation of these judgments cannot be disturbed/up set even by the subsequent judgment. In the case of S.R.Bhagwat Vs State of Mysore, 1995(4) SCT 601, the Hon'ble Supreme Court has even held that where the concluding judgment binds the parties, it cannot even be nullified by a subsequent enactment. He has requested that his seniority may not be disturbed as the same has been reported to the Hon'ble High Court.

Earlier this officer was promoted to the rank of SI w.e.f 10.02.1999 (in the PAP cadre) and his name was approved for list 'F' (executive) out of turn vide memo No. 11295/E-I(I) dated 16.04.2003. He was promoted to the rank of ASI 14.05.1994. Now seniority has been prepared under the orders of Hon'ble High Court from the rank of ASI and in the final seniority of SI he has been given date of promotion as SI w.e.f. 02.08.2006. It has been decided as such that such officials whose dates of promotion as SI as per the new combined seniority comes after the date on which they were granted out of turn list 'F' under rule 13.21 of the PPR, they be placed in the next 'F' list issued after their date of promotion as SI. As such, he has been given list 'F' w.e.f. 01.09.2007 in the present seniority. As regards, passing the speaking orders on their earlier objections, the detailed speaking order has been passed by this office order No 3046-3145/E-1(2) dated 8-4-2016 and the same is being conveyed to all concerned through their respective units as well as uploading it on the official website.

(xv) Issue raised by : Inspr. Gursewak Singh No. 451/FDK

He has stated that he has been assigned date of promotion as SI w.e.f. 16.12.1995 in the final seniority list of Sub-Inspectors and is being given list 'F' dated 30.06.2005 in the tentative seniority of Insprs, whereas the time period for promotion from the rank of SI to Inspr has been fixed as 5 years. So he may be given promotion as Inspector from the year 2001-2002.

The promotions have been given on the basis of available vacancies and seniority. He has been rightly placed in the seniority of Inspectors as per his seniority of Sub-Inspector and as per availability of vacancy of Inspector. As such there is no weight in the claim raised by the official.

(xvi) Issue raised by : Inspr. Nirmal Singh, 25/R

He has stated that his name has not been shown in the seniority list, whereas he is to be granted promotion w.e.f. 30.06.2005. His name was not considered for 30.06.05 as his ACRs for the period from 14.06.99 to 31.01.2000 and 21.09.03 to 23.01.04 are adverse. The adverse remarks in the ACR for the period from 21.09.03 to 23.01.04 has already been expunged and his appeal against adverse remarks from 14.06.99 to 31.01.2000 is pending since 2002. He has requested that his name may be considered for promotion to the rank of Inspr. w.e.f. 30.06.2005 and his name may be placed above his juniors.

The name of this official is at seniority Number 2768 in the seniority of Sub-Inspectors. The last SI who has been given list 'F' dt. 01.02.2008 stands at seniority No. 1522 and is senior. He may find his name in the seniority of separates cadre to be prepared subsequently.

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

Dated : 09.04.16

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

No. 3174-3273 /E-I(I) dated Chandigarh, the:- 09.04.2016

A copy of this order sent to All heads of Police offices for information and necessary action. (DGP/Intelligence, ADGP/PAP, 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.