

OFFICE OF THE DIRECTOR GENERAL OF POLICE, PUNJAB

SPEAKING ORDERS

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

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

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

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

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

2. In compliance with the order/direction of the Hon'ble High Court, seniority list of ASIs upto 20.02.2008 have been finalized and uploaded on Punjab Police Website. Accordingly, a tentative seniority list of Sub-Inspectors was prepared and was uploaded on 13.12.2017 on the website of Punjab Police for claims/objections. 58 officers/officials have submitted representations/ objections against the tentative seniority. They were called for personal hearing on 02.01.2018. The issues raised by these officers were discussed by the Officers Committee and after recommendation of the Committee have been decided as under:-

i. Issue raised by ASI (Retd.) Om Parkash No. 1586/PTL: He has submitted that his name stands at seniority No. 1633. In the column of Remarks he has been shown as expired on 31.12.2006, whereas he had retired from service w.e.f. 31.03.2008.

Necessary correction has been made.

ii. Issue raised by Inspr. Anil Kumar Bhanot, No. 340/BR: He has submitted that his name is mentioned as Anil Kumar in Seniority of Sis at No. 2168, whereas in the educational certificates and appointment letter issued to him for enlistment as P/ASI his name has been mentioned as Anil Kumar Bhanot.

Necessary correction has been made.

iii. Issue raised by Inspr. Nirvair Singh No. 376/BR: He has submitted that his name may be corrected as Nirvair Singh instead of Nirvail Singh.

Necessary correction has been made.

iv. Issue raised by SI Surinder Singh No. 2507/LDH (947/LDH): He has submitted that his regimental number may be corrected as 947/LDH instead of 997/LDH.

Necessary correction has been made.

v. Issue raised by Inspr. Prem Singh, 437/PR : He has submitted that his name was brought on list E-II (Exemptee) in recognition of good work against terrorism, but in the seniority his name has been placed below his junior.

Vide office order No. 14030-36/E-I(2) dt. 28.12.2017, this official was placed in list D-II and promoted to the rank of ASI under PPR 13.21 w.e.f. 16.04.2003. Accordingly this official has been placed in the seniority of ASI at Sr. No. 5961/A instead of 6638. The name of this official was brought on list E-II (Exemptee) w.e.f. 20.07.2003. As such, his name is placed as per E-II seniority.

vi. Issue raised by Inspr. LR Kartar Singh, 262/LDH, 2062/LDH, SI Malkeet Singh No. 85/BNL (638/SGR) and SI Ram Singh, 2455/LDH: They have stated that their names stand at Sr. No. 5013, 5020 and 5240 in the final seniority of ASIs and they have been given DOP as ASI w.e.f. 02.09.1999 and 20.03.2001 respectively. The names of their juniors in the seniority of ASIs mentioned at Sr. No. 5556, 5566, 5568, 5603, 5981, 5605/740, 5761 to 5771, 5773, 5775 to 5778, have been mentioned in the seniority of SIs whereas their names have not been shown.

As per seniority list of ASIs, ASI Baldev Chand No. 14/RTC whose name stands at Sr. No. 4869 has been promoted to the rank of SI w.e.f. 15.01.2008. Whereas, they stand at Sr. No. 2013, 5020 & 5240. The Serial Nos. mentioned by them are ladies, who were promoted against ladies quota and one official (SI Gurinderjit Singh No. 1249/PR, Sr. No. 5981) has been granted list E-II (Exemptee). Hence, the claim of these officials is rejected.

vii. Issue raised by Inspr. Rupinder Jit Singh No. 279/JR: His name stands at Sr.No. 3018 in the final seniority of ASIs and at Sr.No. 2287 in the seniority of SIs. The 9 officials, who were junior to him as per merit at the time of recruitment and are also junior to him in the seniority of ASIs have been placed above him in the seniority of SIs. He has requested that they may be placed below him.

He is a P/ASI of 1992 batch (Merit No. 144) and his name stands at Sr. no. 3018 in ASI seniority. The officials (P/ASI of 1992 Batch) mentioned by him are juniors in merit and also juniors to him in the seniority of ASI. However, they were given revised dated of SIs against roster points prior to him. Hence, as per Govt. instructions his name is placed as per seniority in the rank of ASI.

viii. Issue raised by SI Harwinder Singh No. 443/LDH, ASI Jasvir Singh No. 401/BNL, ASI Swaran Singh No. 388/BNL, ASI Gamdoor Singh No. 27/BNL, ASI Nahar Singh No. 988/SGR, 219/BNL, ASI Chand Singh 123/BNL, ASI Sewa Singh No. 213/BNL, ASI Najar Singh No. 233/BNL, ASI Baldev Singh No. 1451/SGR, ASI Gulshan Kumar No. 244/BNL, 1093/SGR (all Retd.) : They have submitted that their names stand in the seniority of ASIs, whereas their names are not mentioned in the seniority of SIs. They were never asked to submit their willingness for Upper School Course till their retirement. Their juniors in the rank of ASI, who have passed the Upper School Course, have been given deemed date promotions of SIs but they have not been given the same benefit as they have not passed USC.

As per rule 13.10 of PPR, names of ASI who qualify the promotion course for ASI (i.e. Upper School Course) at Phillaur shall be entered in part-I of list E. As per rule 13.10 (3) of PPR, promotion to the rank of SI shall be made strictly in accordance with the seniority on list 'E'. They did not pass Upper School Course till their retirement. Only those officials whose stand in list E, have been given revised date of promotions in the rank of SI. Hence, the claim of these officials is rejected.

ix. DSP/CR Bhagwan Singh No. 317/PAP, DSP/CR Ramesh Chander No. 578/PAP , DSP/CR Sarabjit Singh, 132/PAP, DSP/CR Manjit Singh, 612/PAP and DSP/CR Karamjit Singh, 825/PAP:

Issue No. 1

Seniority may not be prepared w.e.f 01.01.1975: They have raised objections that seniority list should not be prepared from list C-I and common seniority be prepared from 16.12.2014.

They raised similar issues at the time of finalization of ASIs seniority. After listening their grievances self speaking orders have been issued on 11.12.2017.

Issue No. 2.

Seniority may be re-casted at Range level : They have raised objection that seniority of HCs/ASIs and SIs of PAP should be prepared in the office of ADGP/Armed Bns. and seniority of ASI and SI of Districts should be prepared in the office of DIG/Ranges. Inspector level seniority should be prepared in the office of DGP.

The issue raised by these officials have already been decided by the committee and conveyed to them at the time of finalization of ASIs. As such, issue is not required to be discussed again.

Issue No. 3

Rule 12.3 may be implemented: They have raised objections that PPR 12.3 may be implemented. P/ASIs recruited in excess of quota total 752 from year 1988 to 1992 at the ratio of 75 promotees and 25 P/ASIs should only be considered in the common seniority list. Govt. of Punjab, Department of Home Affairs and Justice vide Order No. 15/157/2008-1H3/3053-55 dated 07.09.10, seniority list of PPS Officers have been followed at the ratio of 4.1 under PPS 1959 as per the direction of Hon'ble High Court.

The issue raised by these officials have already been decided by the committee and conveyed to them at the time of finalization of ASIs. As such, issue is not required to be discussed again.

Issue No. 4

Rule 13.10 may be implemented : They have raised objection that Punjab Police Rules, 13.10 may be followed in the common seniority list. They have qualified the Upper School Course in the March-1994 whereas the petitioners of CWP were recruited as ASI in the year 1992. Moreover, they have passed Upper School Course in the year 2004-05.

Rule 13.10 of PPR provides that no ASI shall be eligible for admission to promotion course (Upper School Course) unless he has been confirmed as ASI. In case of promotee he has completed 4 years service after passing Intermediate School Course and in case of direct recruits has completed 5 years of service after passing ASI initial course. In the year 1993, keeping in view the decision of full bench of Punjab and Haryana High Court in Sardool Singh case instructions were issued that ASI shall be deputed in order of their seniority viz first confirmed, then on probation and thereafter officiating irrespective of length of service. Further the Punjab Common Service Condition Rules came into force w.e.f 04.05.1994. Whereby, "the seniority inter-se of persons appointed in each cadre of service shall be determined by the length of service on such post in that cadre of service." Hence, the officers are to be deputed for promotional Courses strictly in order of their seniority which after 04.05.1994 means length of continuous service on such post. Since the parameters for sending officials on promotional course have uniformly been applied to both promotee as well as direct recruits. The seniority list has been recasted keeping in view the directions of Hon'ble High Court. As such, the question raised by them is rejected.

Issue No. 5

Separate seniority of PAP and Districts may be re-cast : They have raised objection that standing order No. 1/1999 for promotion of NGOs of Punjab Police was prepared in the year 2001. As per standing order combined seniority of District and GRP was required to be re-casted and seniority of PAP was required to be re-cast separately in the office of ADGP/Armed Bns. Jalandhar Cantt.

The issue raised by these officials have already been decided by the committee and conveyed to the representationist at the time of finalization of ASIs. As such, issue is not required to be discussed again.

Issue No. 6

Nature of duty of PAP is different from District police They have raised objections that the nature of duty of District Police and PAP is different. District Police performed the duty in the police stations and investigation of criminal cases. Whereas, PAP personnel perform the security duty, gunman, escort and guard duties etc. Besides this, B-I test for promotion courses of Head Constables of District Police and PAP are also different.

The issue raised by these officials have already been decided by the committee and conveyed to the representationist at the time of finalization of ASIs. As such, issue is not required to be discussed again.

Issue No. 7

Armed Cadre officials were not deputed for Upper School Course from the year 1995 to 2001 : They have has raised objection that Upper Course of Armed Bns in the year from 1995 to 2001 was held up. Seats of Upper course of Armed Bns had been allotted to distt police for upper course of P/ASIs

ASIs were deputed for Upper School Course according to the available vacancies. As per record of o/o ADGP/Armed BNs excess officials of Armed Cadre were deputed for Upper School Course in the year 1994-95. But due to non availability of vacancy in the rank of SI they were not promoted. As such no official was deputed from Armed Cadre upto 2001. Hence, the objection raised by them is rejected.

Issue No. 8

Districts were granted additional posts: In the year, 2010, Govt. of Punjab Department of Home Affaris vide his memo No. 9/41/2009-6H3/228 dated 29.01.10, posts of Head Constables=600, ASIs=400, SIs=400, Inspector=200 Total=1600 new posts were allotted to District Police. No new posts had been given to Armed Bns.

The issue raised by them have already been decided by the committee and conveyed to the representationist at the time of finalization of ASIs. As such, issue is not required to be discussed again.

Issue No. 9

They have raised objections that common condition rules, 1994 should not be implemented in the common seniority. Seniority should be prepare as per Punjab Police Rules, 1934.

The issue raised by them have already been decided by the committee and conveyed to the representationist at the time of finalization of ASIs. As such, issue is not required to be discussed again.

Issue No. 10

Seniority may not be re-casted till the decision of LPAs pending in the Hon'ble High Court:- They have raised objections that LPA No. 190 and 1042 of 2015 are pending for decision in the Hon'ble High Court. In CWP No. 5537/2016, the Hon'ble Punjab and Haryana High Court has given directions to consider the objections regarding common seniority list. As such, seniority may not be finalized till the decision of these LPAs.

The issue raised by these officials have already been decided by the committee and conveyed to the representationist at the time of finalization of ASIs. As such, issue is not required to be discussed again.

x. Issue raised by Inspr. Nirmal Singh 25/R : He has submitted that his name is mentioned at Sr. No. 1447 and he has been assigned proposed date of promotion as SI w.e.f 26.08.96 instead of 23.09.1994. He has filed CWP No. 8515/2017 in the Hon'ble High Court. His appeal against adverse ACR w.e.f from 01.04.1997 to 07.07.1997 has not been decided since lapse of 18 years. His appeal against adverse remarks w.e.f 03.03.1998 to 25.08.1998 are also pending. He has filed RSA in the Hon'ble High Court against adverse ACR w.e.f 14.06.1999 to 31.01.2000.

The seniority list in the rank of Sub-Inspector is being prepared in compliance with Hon'ble High Court directions in COCP No. 1492/2015. The date of promotions of all the officials in the rank of SIs are being revised as per merit/seniority of ASI. The CWP No. 8515/2017 filed by this official is pending in the Hon'ble High Court. In view of the above, he may be given revised date of SI 26.08.96 instead of 23.09.1994 and Hon'ble Court may also be informed accordingly.

xi. Issue raised by Inspector Rajnish Kumar No. 94/PR : **Implementation of Paras Kumar Judgement of Hon'ble Supreme Court of India** : He has submitted that 641 police personnel have been excluded from the seniority list on the ground that diminishing/dying cadre posts were created for them. The Hon'ble Supreme Court of India judgment –S.I Paras Kumar - 2004 have not been considered and complied rather the out of turn promotees more than 10% of quota, who had been given one time of re-appointment/re-adjustment/ re-recruitment in the year 2006 under the sports category alongwith retrospective seniority from 05.12.03. They further mentioned that the Hon'ble Punjab and Haryana High Court has already passed directions that above Apex court judgment must be considered while re-casting of seniority. He has requested that the names of police personnel i.e. 207+393+41 may be considered and included in the list of seniority and the names of 295 police personnel re-appointed on the same rank which from where they were reverted with the order of Hon'ble High Court in CWP No. 13788, 13789, 13797 of 1997 & 1815 of 1999 may be re-considered. He has argued that the post occupied by sports person prior to creation of dying cadre posts should be vacated and eligible persons may be considered for promotions against these posts.

The issue raised by his has already been decided by the committee and conveyed to him at the time of finalization of seniority of ASIs. As regards the posts occupied by the 295, 207, 41 sports persons and 393 officials prior to 20.02.2008 in the rank of Sub-Inspectors, these posts have already been vacated and given to the eligible persons. Hence, his claim is rejected.

xii. Issue raised by SI Rajinder Parshad No. 124/GSP : He has submitted that sanctioned strength has not been considered while preparing the seniority. More posts were available but less SIs/Insprs were promoted.

Revised date of promotions in the rank of SI have been given as per record. Hence, the claim is rejected.

xiii. Issue raised by Retd. Inspr. Swaranjit Singh 396/PTL, 754/PR : He has submitted that the adverse remarks recorded in his ACR for the period from 07.05.92 to 08.08.92 have been expunged. So his seniority may be fixed accordingly.

DIG/PR has intimated that the said official was given adverse report for the period from 07.05.92 to 08.08.92 in column No. 6, 12 & 18. His adverse remarks in column No.6 only has been expunged. In column No. 12 and 18 adverse remarks still stands. Hence, his claim is rejected.

xiv. Issue raised by Retd. Inspr. Sewa Singh No. 811/PR : He has submitted that he has been given revised date of promotion a SI w.e.f. 15.01.2001 instead of 16.07.1994. He has not been given revised date w.e.f 16.07.1994 due to adverse remarks in his ACR for the period from 07.07.94 to 30.01.95. On acceptance of his appeal, DIG/PR has expunged adverse remarks in column No. 3 & 11 but adverse remarks in column No. 6 & 18 still stands. He has requested that keeping in view the nature of adverse remarks he may be given promotion as SI w.e.f 16.07.1994.

DIG/PR has intimated that the said official was given adverse report for the period from 07.07.1994 to 30.01.1995 in column No. 3, 6, 11 & 18. His adverse remarks in column No. 3 & 11 only has been expunged. In column No. 06 and 18 adverse remarks still stands. Hence, his claim is rejected.

xv. Issue raised by Inspr. Sanjeev Kumar No. 398/PR, Inspr. Pardeep Singh No. 247/PR, Inspr. Jaspal Singh No. 6/FDR, Inspr. Manmohan Singh No. 79/JR, DSP Ravinder Singh No. 46/PAP, Inspr. Harwinderpal Singh, Inspr. Sukhbir Singh No. 103/PR, Inspr. Sanjeev Kumar No. 55/JR, Inspr. Sukhwant Singh No. 339/BR, Inspr. Murli Dhar No. 449/PR, Inspr. Ucee Chawla No. 8/FDR, Inspr. Nirmal Singh 106/JR, DSP Harpreet Singh No. 15/JR, Inspr. Ravinder Singh No. 286/BR, Inspr. Sikander Singh No. 275/BR, Inspr. Paramvir Singh No. 281/BR, DSP Ravinderpal Singh No. 422/BR, Inspr. Sanjeev Kumar No. 338/BR, Inspr. Manjit Singh No. 20/J, Inspr. Kuldeep Singh, 361/BR, Inspr. Shamsher Singh, 409/BR, Inspr. Tarlochan Singh, 251/PR, Inspr. Preet Kamal Jeet Singh 1/JR, Inspr. Sukhwinder Singh 114/PR, Inspr. Harbhajan Lal 50/FDR, Inspr. Om Parkash 432/JR, Inspr. Sarabjeet Singh 140/JR, Inspr. Nachattar Singh 312/JR

Issue No. 1

They have submitted that for filing objections 10 days time given is contrary to the law & order duties pertaining to the MC elections, hence time to accept the objections may be extended for five days. The tentative seniority list of SIs issued on 13.12.2017 is not sustainable because it is based on final seniority list of ASIs issued vide No. 13232-332/E-1(2) dated 11.12.2017 and speaking order passed by this office memo No. 13336-435/E-1(2) dated 11.12.2017 against which they have filed his disagreement. Further they have stated that no official of Distt./Armed cadre can be promoted against the posts sanctioned for Intelligence Wing.

A committee of Officers after giving personal hearing to them have examined the whole issues raised by them before the finalization of the seniority list of ASIs. As regards, the promotions against the posts of Intelligence wing it is found that posts of ASI in Intelligence Wing have also been filled by direct recruitment. 58, 22, and 18 ASIs were directly recruited in the year 1991, 1992 and 1993 respectively against the posts of Intelligence Wing. As such, their claim that deputation post cannot be filled up from Armed cadre or Distt. Cadre is not sustainable. Hence, the claim is rejected.

Issue No. 2

That the seniority of SIs is not based on the official record w.r.t the RTI certified information supplied by this office in case appeal No. 4033/2016 pertaining to the yearwise from 1988 to 2008. The revised date of promotion have been given in excess of sanction strength.

Sanctioned strength and filled up vacancies is based on the office record. As regards the promotions made beyond the sanctioned strength, is not correct. Promotions were also made against the officials who were retired or promoted in higher ranks during the calendar year. As such, filled up vacancies can be increased. After perusal of Annexure "D" attached by these officials, it is found that promotions given in the rank of SIs are correctly been given as per the information given to these officials under RTI. However, vacancies filled up by re-appointment of 67 sportspersons, women promoted against their

strength and officials who were given out of turn promotions under rule 13.10 (1) and proviso below rule 13.10(3) by exercising powers under rule 13.21 were not counted in the information supplied to the representationists. Hence, the claim is rejected.

Issue No. 3

Revised date of promotion in the rank of SI have not been given in the year 1988, 1989, 1990.

In compliance with the order of Hon'ble High Court and as decided by the Committee of Officers, seniority have been prepared keeping in view the list C-I w.e.f. 01.01.1975. Constables who were on list C-I on 01.01.75 have been promoted to the rank of ASI in the year 1985, 1986, 1987. The maximum officials who were on list C-I prior to 1975 were promoted SI prior to 01.04.1992. Only those officials who exist in the seniority list of HCs and have promoted to the rank of SI prior to 01.04.1992 have been shown in the said seniority list. As such, the revised dates in the year 1988, 1989 and 1990 cannot be assigned.

Issue No. 4

They challenged the promotions given with immediate effect under rule 13.10 (1) by exercising powers under rule 13.21.

As per rule 13.10 of PPR, names of ASI who qualify the promotion course for ASI (i.e. Upper School Course) at Phillaur shall be entered in part-I of list E. As per rule 13.10 (3) of PPR, promotion to the rank of SI shall be made strictly in accordance with the seniority on list 'E'. Provided that the seniority may be ignored in exceptional circumstances or reasons to be recorded in writing by the Deputy Inspector General with the approval of Inspector General of Police. As such, the promotion can be given by DGP by exercising powers under Rule 13.21. Hence, the claim is rejected.

Issue No. 5

General Common Condition Service Rule has not been followed.

They raised similar issues at the time of finalization of ASIs seniority. After listening their grievances self speaking order was issued on 11.12.2017 that these rules have rightly been implemented.

Issue No. 6

They have challenged the promotions given to 295 & 207 sportspersons on the grounds that the State of Punjab is not filing reply in CWP 4986/2012 for the last 3 years. How this seniority can be finalized without resolving this issue.

They raised similar issues at the time of finalization of ASIs seniority. After listening their grievances self speaking order was issued on 11.12.2017 that judgment in Paras Kumar-2004 of Hon'ble Supreme Court of India, was fully implemented. As regards the reply filed by Govt. in CWP No. 4986 of 2012, the matter is pending with the Govt. However, the Hon'ble Court has not given any adverse direction to this office regarding promotions/re-appointment given to 295 and 207 sportspersons. Hence, no decision can be taken at this stage.

xvi. Issue raised by Inspr. Avtar Singh No. 23/FR : He has stated that he is senior to SI Kamaljit Kumar No. 19/CID, SI Ravinder Singh No. 21/CID & SI Sarup Singh No. 20/CID, in the seniority of ASIs whereas in the tentative seniority of SIs they have been shown senior to him.

SI Kamaljit Kumar No. 19/CID, SI Ravinder Singh No. 21/CID & SI Sarup Singh No. 20/CID were appointed as ASI (Language Stenographer) by DIG/CID under rule 12.3 (A) of

PPR. As per proviso in appendix 12.3 (A) “ they will be eligible for promotion to the rank of SI (Urdu Stenographer) after 3 years of service.”

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

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

As such, the officials appointed in Intelligence wing as Urdu Stenographer under appendix 12.3 (A) have been promoted and transferred to executive line strictly as per rule and there is no cause of action to challenge their entry in to seniority list of Sub-Inspector. As such, the claim holds no merit and the same is rejected.

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

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

Sd/-
D.I.G/Admn
for Director General of Police,
Punjab, Chandigarh.

No. 182-281 /E-1(3) dated Chandigarh the:- 03.01.2018

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

Sd/-
D.I.G/Admn
for Director General of Police,
Punjab, Chandigarh.

No. 282 /E-I(3) dated Chandigarh the :- 03.01.2018

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

Sd/-
D.I.G/Admn
for Director General of Police,
Punjab, Chandigarh.