

From

The Addl. Director General of Police,
Information Technology & Telecom,
Punjab, Chandigarh.

To

1. The Director General of Police,
Punjab, Chandigarh.
2. The Chief Director, Vigilance Bureau,
Punjab Chandigarh.
3. The Addl. Director General of Police,
PAP Bns. Jalandhar Cantt.
4. The Addl. Director General of Police,
Intelligence, Punjab, Chandigarh.
5. The Addl. Director General of Police,
Crime, Punjab, Chandigarh.
6. The Addl. Director General of Police,
Security, Punjab, Chandigarh.
7. The Asstt. Inspector General of Police,
IT, Punjab, Chandigarh.
8. The Supdt. of Police,
Telecommunications, Punjab, Chandigarh.
9. All DSsP/IT&T Zones in Punjab, DSP/T & DSP/IT Pb. Chg.
10. All Insprs. I/c IT&T CR Chandigarh, Cipher Cell ,
Technical Store, Central Workshop Mohali, RI/Police
Line IT&T MHL. , Inspector/Hqrs.,
11. I/c IT&T Sri Naina Devi, Kasauli, BGH, Ladha Kothi SGR
& Trg. Centre PPA PHR & Jahan Khelan.
12. All Insprs./Incharge IT&T PAP Bns., IRB & CDO Bns. in
Punjab State
- ✓ 13. I/c Website, PPHQ. Sec-9 Chg. (For uploading the
Final Seniority List of IT&T Wing on Punjab Police
Official Website)

No. *34092-142* /E-1, dated Chandigarh the: *26-9-13*

**Subject: - The Final Seniority List of existing Sub-Inspectors
(Operators) and above up to the rank of Sub-Inspectors of
the Telecommunications Wing of Punjab Police.**

Memo.

This is in continuation to this office order No. 2423-86/E-1
dated 25.01.2013, on the subject cited above.

2. In this connection it is submitted that earlier, the Punjab
and Haryana High Court while disposing of CWP No. 12086, 12586 of

2008 and 8743 of 2011 in which the seniority list issued by the department during the year 2008 was challenged, had referred the matter to the Officer's Committee (constituted by the Hon'ble High Court in CWP No. 566 of 2010- Ranjit Singh V/s State of Punjab).

3. In compliance with the directions issued by the Hon'ble Punjab & Haryana High Court in above said CWPs, the Officers' Committee given its recommendations, that was duly accepted by the DGP Punjab. The same was issued vide No. 14958/E-1(2), dated 18.10.2012.

Primarily the Officers' Committee determines the following three issues: -

A. Whether the order of Government dated 18.5.1960 or the Draft Standing Order dated 4.4.1978 or the Punjab Police Rules, 1934 would exclusively or in conjunction govern seniority and promotion of the Telecommunication Cadre?

B. Whether the determination of seniority is to be based on Availability of Permanent Posts and Confirmation against them/De-linking of confirmation from the availability of permanent posts as per Government instructions dated 8.4.1991 and Linking of seniority on successful completion of probation?

C. Rationalization of posts in various sub-cadres in the Telecom cadre and cross promotion in the sub-cadres.

4. (a) Whereas, **Issue 'A'** was disposed of by the Officers' Committee with recommendation that the 1978 Draft Standing Order should be applied towards framing of seniority of all personnel of the wireless wing by treating the three grade course (Operators/Technicians), as promotional courses for promotion to the rank of Head Constable, Assistant Sub Inspector and Sub Inspector as per the said Draft Standing Order. Time gaps between the courses, as laid down in that order of 1978 should also be

followed. Therefore, to that extent this committee is in agreement with the recommendations made by the committee constituted under Sh. Kuldeep Singh, IPS which submitted its report on 20.12.2007. Thus, for the petitioners in these cases the dates of promotion to the rank of Head Constable, ASI and SI should be shifted as per the time gaps provided in the Draft Standing Order 1978 for promotion one rank to another/entry into promotional course.

In the case of the private respondents before the Hon'ble High Court, i.e. directly recruited ASIs in this cadre, after recruitment as ASI, their dates of promotion as SI would also accordingly be governed in terms of Clause 12 of the said Standing Order, giving the requisite time gap for entry into promotion List 'E' and promotion to the rank of SI after qualifying the Operator Grade-1 course. Clause 12(i)(a) specifically states that only those who have completed at least 5 years of service in the rank of ASI on promotion List 'D' after passing the Grade-2 (Operator/Technician) course would be eligible for being brought on promotion List 'E'. Obviously, this part of the Standing Order also has to be necessarily adhered to.

[It is necessary to mention here that the 1960 Government order did not envisage any direct recruitment at the level of ASI. However, direct recruitments to this rank were 1st made in 1986, which were challenged by way of CWP No. 772/1985. In this Writ Petition, the Hon'ble Division Bench held that 25% of the vacancies in the rank of ASI are to be filled by the direct recruitment as per rule 12.3 of the Punjab Police Rule, 1934. Consequently, the concept of direct recruitment in the telecommunication wing came about, which is not stipulated in the 1960 Government order. In this very judgment, the Hon'ble High Court has agreed with the stand of the department that the Standing Order dated 4.4.1978 would govern promotions subject to the conditions laid down therein.]

(b) Where as, **Issue 'B'** was discussed and disposed of recommending that the department would, from the record, determine the availability of permanent posts in the ranks and years of recruitment that both, the petitioners and the respondents, entered service, whether as Constable or as directly recruited ASIs. In all these cases, the petitioners and respondents are recruited (in two different ranks) well before 8.4.1991 and 5.5.1994. Therefore, till 8.4.1991 confirmation in any case, even *de hors* the judgment in CWP No. 4750 of 2000, would have to be regulated on availability of permanent posts. Therefore, the exercise of determining availability of posts for the petitioners and respondents, after successful completion of the probationary period, in their respective ranks of entry, is to be completed by the Department, which would then govern their confirmation Accordingly, after such successful completion of probation and on availability of a permanent vacancy in the case of each individual, he would be deemed to be confirmed and his seniority in the entry rank determined from that date.

In this regard, the recommendation of this committee in the case of Inspector Pritam Singh, arising out of CWP No. 5077 of 2010 can be followed as it has been accepted by the competent authority on 3.2.2011, unless there is any stay on operation of that recommendation, by the Hon'ble Court, though the same has not been brought to the notice of this committee. It is important to mention here that in Pritam Singh's case the Judgment of the Hon'ble Division Bench in CWP 4750 of 2000 (Bhupinder Singh Versus State of Punjab) was not taken into account by this Committee as the said judgment was not in the knowledge of this Committee. The effect of that would be that while determining seniority after 8.4.1991 and before 4.5.1994, availability of permanent posts must be seen in the case of each individual in the rank of his entry into service at the time of his confirmation. (In this case Constables in the case of petitioners and ASIs in the case of respondents). The quota for direct

recruits at the level of ASI, i.e. 25% of the posts must also be adhered to in respect of available permanent and temporary posts at the time of confirmation.

After the entry level rank, before 4.5.94, on promoted ranks, seniority in each rank would be determined as per deemed successful completion of probation in that rank (Head Constable and above for those who joined service as Constables; and Sub Inspector and above for those who joined as ASIs). --We say deemed successful completion of probation after 2 years in each case, on the presumption that nobody's probation period was extended. However, in case probation was extended by the competent authority specifically, in any individuals' case, then his seniority would be deemed to run in that rank only upon such successful completion of probation, after the extended period.

This would obviously, be in addition to the fact that the concerned official meets with the standards set out in the 1978 Draft Standing Order, as recommended on issue 'A' above.

The respondents have specifically stated that in the year 1988 they were recruited against 130 permanent posts of ASIs and, as such, they be confirmed against all 130 posts after three years of successful completion of probation. This exercise would also have to be gone into by the department, to determine the total number of available posts at the time of recruitment of the private respondents as ASIs and the 25% quota falling to the direct recruits share, as per Rule 12.3 in temporary and permanent posts. As per such factual position, they would be confirmed against available permanent posts at the time of their recruitment on successful completion of probationary period.

Of course this exercise is to be done in conjunction with the conditions laid down with regard to the time gaps between entry into promotional cases, as per the Draft Standing Order of 1978 as recommended on issue 'A' in paragraphs above.

Thereafter, after 4.5.1994, the length of service in a particular rank on which promotion was made after 4.5.1994, would determine inter se seniority of the petitioners and respondents, in accordance with Common Condition Rules of 1994.

For determination on seniority, recommendations on issues A & B would, naturally, have to be read together as a whole. The seniority list of 2008, impugned by the petitioners before the hon'ble High Court, should, therefore, be recast on the basis of the above recommendations.

(c) The officers committee while disposing of **Issue 'C'** observed that since rationalization of the cadre is a long process, the framing of seniorities in this cadre should not be put off till the result of such rationalization, and may be determined in the light of recommendations made on issues 'A' and 'B' herein above.

5. To prepare the seniority of Telecommunication Wing personnel on the basis of recommendation of the officers committee, a committee under the chairmanship of Sh. Kulbhusan Chaudha, PPS, DSP/Hqrs IT & T Wing was constituted vide order No. 34001/E-1, dated 24.12.2012. As per recommendations of the Officers Committee, the department has issued tentative seniority list and uploaded it on the website on 25.01.2013 and called objections.

6. The objections raised by both the categories in their representations have been considered and ignored / Rejected . All the clerical mistakes which are brought in the notice have been corrected in the final seniority list. While preparing the seniority list, it has been noticed that it is not clear whether the seniority of police personnel of Telecommunication Wing be prepared retrospectively (04.04.1978 i.e. from the date the Standing Order was sent to the Govt. for approval) or prospectively (from the date the Committee Report was issued) as the same has not been clarified in the Officer's Committee Report dated 18.10.2012 . Accordingly the Chairman of

Officer Committee-cum-IGP/Hqrs. was requested vide this office Memo No. 30928/E-1/SC dated 02-09-2013 to clarify the above said position. DGP Punjab vide Letter No.11685/E-1(2) dated 10-09-2013 informed that the Seniority be prepared from the date of standing order came into effect / Issued.

7. No other material irregularity or discrepancies whatsoever have been pointed in the tentative seniority list. Accordingly representations submitted by members of promotees including retirees and those of who were directly recruited as ASIs are disposed off on merits because there was nothing which could be considered in the light of officer's committee report. Hence the tentative seniority list thus prepared as per the spirit of officers committee report on 25.01.2013 is hereby finalized after minutely scrutinized the contents of the representations received from both the categories i.e promotes/retirees and directly recruited ASIs. Even, if any sort of discrepancies cropped out on merit in this seniority list then the option to consider it as per law would remain open as well in future. These orders of seniority will supersede all previous orders issued in this contexts.

8. A clarification regarding recovery of officials of Telecommunication who have been reverted to lower rank, much later to the actual date of promotion and the pay of the officials who have been given revised date of promotion much earlier to the actual date of promotion has been sought from Controller Finance & Accounts CPO Punjab. He opined as under :-

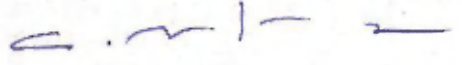
It is settled service rules that there has to be no pay for no work i.e. a person will not be entitled to any pay and allowance during the period which he did not perform the duty of a higher post (State Govt. of Punjab, Finance Department letter No. 4/58/98-4FC & SC/13404 dated 08.12.98). &

It has been decided that employees who have been previously officiated or have actually worked in the same post, their initial pay shall not be fixed less than the pay, other than special pay (personal pay or emoluments, classed as pay under rule 2.44 (a) (iii) of the Punjab CSR Volume -1 part-1, which they drew on the last such occasion (State Govt. of Punjab, Department of Personnel letter No. 6/3/2001-1PP/11661 dated 09.09.02).

9. However, 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 in any matter pending before the 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.

The final seniority list is available on Punjab Police Website i.e. www.punjabpolice.gov.in.

This be brought to the notice of all the concerned .


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