

OFFICE OF THE DIRECTOR
GENERAL OF POLICE, PUNJAB,
CHANDIGARH.



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To

All Heads of Police offices in Punjab.

Memo No. 3274-3373 /E-1(1)
dated chd the:- 10.04.2016

Subject: Final Seniority List of Inspectors.
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Please refer to this office letter No. 2241-2340/E-1(1) dated 17.03.2016, on the subject noted above.

2. The Hon`ble High Court decided the following CWPs on 16.12.2014 :-

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)

The operative part of the 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.”

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

1. Sh. Arpit Shukla, IPS, IGP/Hqrs.
2. Sh Arun Pal Singh, IPS, DIG/PAP, Jalandhar.
3. Sh. Balkar Singh, IPS, DIG/Admn., CPO,
4. AIG/Pers, CPO., Punjab.

Sh M.S.Gill, Legal Advisor was directed to assist the committee on legal issues.

4. Whereas, on the recommendation of the Committee tentative seniority list was circulated on 17.03.2016 on the Website for calling objections from the concerned officers within 7 days.

5. 76 officers appointed by promotion and appointed by direct recruitment submitted their objections against the tentative seniority lists. A committee was constituted headed by D.I.G/Admn vide No. 1748/A/Spl dated 02.03.16 to consider the objections raised by the officers/officials.

About 22 officials who requested for personal hearing were given personal hearing on 05.04.2016 by the Committee.

6. 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.**

Whereas, 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.

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. These rules are as under:-

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

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

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

iii) **Rule 13.21 of PPR Power of relaxation:-**

Certain officials were granted out of turn promotion under this rules, by the competent authority, on account of good work done by them. They have been assigned placed in the seniority list from the dates 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, no occasion arises today to review them.

iv) **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.

v) 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.

7. The objections received from various units in connection with the tentative seniority list of Inspector have been examined by the committee constituted for this purpose and decision have been taken upon them. Decision so taken have been conveyed vide this office memo No. 3174-3273/E-I(I) dated 09.04.2016 to all heads of police offices and also uploaded on Punjab Police Website www.punjabpolice.gov.in.

That this seniority is subject to the following:-

- a) Any modification/amendment in the inter-se-seniority list which may arise out of the review granting deemed dates of promotion.
- b) Decisions of Hon`ble Courts 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.

A copy of the final seniority list of Inspectors is available on Punjab Police Website www.punjabpolice.gov.in.

8. For DGP/Intelligence, ADGP/PAP, All CPs, All Range DIsG and AIG/GRP, Pb, Patiala only(.) They are requested that the officials who have been assigned revised dates of list 'F' and promotion to the rank of Inspector, formal orders in respect of these officials may be issued to avoid any Litigation at later stage and entries may also be got recorded in their Ch. Rolls. It may also be made clear in these orders that they are not entitled for any arrears of pay and allowances from the revised date of promotion and no recovery will be effected, if the official has been assigned revised date later on.

This issues with the approval of D.G.P.

Sd/-
DIG/Admn.,
for Director General of Police,
Punjab, Chandigarh.

No. 3374 /E-I(I) dated Chandigarh, the :- 10.04.2016

A copy of the above, alongwith a copy of seniority list, is forwarded to Superintendent, Secret Section-2, CPO, Punjab, for information and necessary action.

Sd/-
DIG/Admn.,
for Director General of Police,
Punjab, Chandigarh.

No. 3375 /E-1(1) dated Chandigarh, the :- 10.04.2016

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 Inspectors today positively.

Sd/-
DIG/Admn.,
for Director General of Police,
Punjab, Chandigarh.