

OFFICE OF THE DIRECTOR GENERAL OF POLICE, PUNJAB, CHANDIGARH

ORDER

This order shall dispose of the representations submitted by the officials of IT&T Wing against the tentative seniority lists of 107 eligible SIs for admission of their names to list "F"/ Promotion as Inspector (Operator).

2. The Hon'ble High Court in CWPs No 12586 of 2008, 12086 of 2008 and 8743 of 2011 ordered for constitution of the Officers Committee comprising IGP/Headquarters as Chairman, DIG/Admn. and Additional Advocate General, office of A.G., Punjab as members to decide the disputes regarding seniority of officials of IT & T Wing.

3. The abovesaid Officers Committee had given its recommendations on 18.10.2012 and the same were approved on 18.10.2012. The Officers Committee Report was sent to the ADGP/IT & T, vide letter No. 14958/E-I(2), dated 18.10.2012, for taking further necessary action. Accordingly, the ADGP/IT & T issued a tentative seniority list of Operator Cadre on 25.1.2013 and thereafter, final seniority list on 26.9.2013.

4. Thereafter, in view of the order passed by Hon'ble High Court in CWP No. 21868 of 2013 and other connected writ petitions, a committee under the chairmanship of IGP/IT&T recommended that the seniority be prepared from the date of enlistment and the same was approved on 15.06.2016.

5. On the basis of recommendations of Officers Committee Report dated 18.10.2012 and the committee under the Chairmanship of IGP/IT&T, Punjab, the final seniority list of officials of Operator Cadre upto the rank of Sub-Inspector (Operator) was prepared and issued on 23.7.2016 from the date of enlistment. The seniority of Operator Cadre has been prepared upto the rank of SI because ADGP/IT&T is competent to issue seniority upto the rank of SI and 'F' list of the officials is required to be approved by competent authority, i.e. DGP.

6. Upon approval of this office, the Tentative seniority lists of 76 and 41 eligible SI were issued vide letters No. 36570-633/E-1, dated 06.09.2016 and No. 39135-210/E-1, dated 16.09.2016 by ADGP/IT & T and also uploaded on the website of Punjab Police calling objections to the tentative 'F' list within 10 days.

7. Objections have been raised by officials against the tentative "F" lists of 107 eligible SI for admission of their names to 'F' list / Promotion as Inspector. All the officials, vide ADGP/IT & T letter No. 42845-71/E-1, dated 06.10.2016, were called for personal hearing to redress their grievances on 07.10.2016 at Punjab Police Headquarters, Chandigarh. All officials who had submitted objections were given personal hearing by ADGP/IT&T.

8. The following is the position of their objections, office views and decision:-

Group No.1 - Name, No. and Rank

- i. SI Balraj Krishan, 2129/W (Proby. ASI, batch-1989)
- ii. SI Sukhdarshan Singh 2122/W (Proby. ASI, batch-1989)
- iii. SI Pawan Kumar 860/W (Proby. ASI, batch-1989)
- iv. SI Rachpal Singh 2430/W (Proby. ASI, batch-1989)
- v. SI Gagandeep Singh 2126/W (Proby. ASI, batch-1989)
- vi. SI Taranjit Singh 870/W (Proby. ASI, batch-1989)
- vii. SI Amrik Singh 1839/W (Proby. ASI, batch-1989)
- viii. SI Hardeep Singh 1341/W (Proby. ASI, batch-1989)
- ix. SI Major Singh 2121/W (Proby. ASI, batch-1989)
- x. SI Nirbhai Singh 837/W (Proby. ASI, batch-1989)

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- xi. SI Rachhpal Singh 2054/W (Proby. ASI, batch-1989)
- xii. SI Jaswant Singh 1848/W (Proby. ASI, batch-1989)
- xiii. SI Satavtar Singh 1741/W (Proby. ASI, batch-1989)
- xiv. SI Jhirmal Singh 863/W (Proby. ASI, batch-1989)
- xv. SI Paramjit Singh 849/W (Proby. ASI, batch-1989)
- xvi. SI Karamjit Singh 2120/W (Proby. ASI, batch-1989)
- xvii. SI Kasturi Lal 862/W (Proby. ASI, batch-1989)
- xviii. SI Balbir Singh 2096/W (Proby. ASI, batch-1989)
- xix. SI Surinder Singh 2136/W (Proby. ASI, batch-1989)
- xx. SI Shamsheer Singh 2133/W (Proby. ASI, batch-1989)
- xxi. SI Davinder Singh 2125/W (Proby. ASI, batch-1989)

Objections

Objection No. 1

Parameters have been changed, but the tentative seniority have not been issued up to the rank of Sub-Inspectors.

Office views/Comments

The tentative seniority list was issued on 23.01.2013. Thereafter, a final seniority list was issued on 26.09.2013. After the Court permitted the department to revisit the list, the final seniority list was modified on few parameters and amended seniority list was issued on 23.07.2016 and grievances have been examined at this stage also.

Objection No. 2

Confirmation of constable deliberately not shown nor the column which states date of Constable-post sanctioned although Officer Committee mentioned it.

Objection No. 3

Covering note mentions that confirmation has been done for all ranks except constable contrary to PPR. PPR 19.5 mentions that probation of constable shall be 3 years after that he will be confirmed in the rank of constable.

Office views/Comments on both the above said objections

Chapter 12 & 13 of Punjab Police Rules deal with 'Appointments and Enrolments' and 'Promotions' respectively and contain rules providing for period of probation in entry rank and on promotion respectively.

Rule 12.8 of the Punjab Police Rules, 1934 lays down period of 3 years probation for directly recruited ASIs. Similarly, Rule 13.18 of the Punjab Police Rules, 1934 provided for 2 years probation period for promotion. No such provision exists in Chapter 12 which lays down period of probation for constable. These rule were applicable pre- 1994.

Chapter 19 deals with 'Training and Examination'. Rule 19.5 of the Punjab Police Rules, 1934 in this chapter does not mandate that confirmation is must for constable nor it lays down period of probation.

In the amended seniority list dated 23.07.2016, column of date of confirmation in the rank of Constable was not shown because there is no

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provision in the Punjab Police Rules, 1934 for confirmation in the rank of Constable.

Even in final seniority list of 26.09.2013, this column was not shown although it was shown in tentative seniority list dated 25.01.13.

The column of 'date of constable – post sanctioned' had the effect of Constables losing several years of service in the entry rank. It has been rectified in 2016 list and date of entry in service in the rank of Constable has been taken as actual and not the date on which permanent post had fallen vacant.

Objection No. 4

Seniority is to be governed by Rule 13.1 of the Punjab Police Rules and the Rules framed under the Police Act, Section 85 of the Punjab Police Act prescribes that PPR shall be applicable unless specifically superseded PPR 19.2(1) prescribes that except in exceptional circumstances recruits shall not be passed into the ranks unless they have undergone 6 months training. S 20(3) of Punjab police act, 2007 mentions that a person who has not qualified the basic recruit course is not entitled to sit on duty. SI No. 18, 19, 44, 51, 57, 67, 70, 72, 90, 92, 95, to 103, 106, 107, 109, 111 to 119, 121, 123, 125 to 129, 132, 133, 136, 139, 140, 141, 143 to 162, 164 to 172, 175, 176, 177, 181, 182, 186 to 204, 208, 210, 211, 213, 215 to 229, 233, 234, 238 to 281, 288 to 306, 308, 310, 311, 314 to 320, 323 to 330, 332 to 339, 341 to 379 have not undergone basic recruit course. (High Court Order in CWP No. 9235 of 2012 may be referred)

Office view/ Comments

In the present seniority list, the Basic Recruit Course has not been considered as a criterion. As per the recommendations of the Officer's Committee Report, the prescribed time of 09 months has been taken for giving List "A". It is a fact that out of 246 candidates mentioned in the representation, only 14 had undergone Basic Training Course as per available record.

In CWP No. 9235/2012 titled as Surinder Singh V/S State of Punjab and others, decided on 08.07.16, one of the contentions raised by the petitioner was that two respondents had not passed the basic recruitment course under rule 19.2 of P.P.R. 1934 which is mandatory for getting promotion to next higher rank. However, no finding has been given by Hon'ble High Court on the said issue.

Objection No. 5

Officials on extension not entitled to promotion as per rule 3.26 published on 30.10.2015. As per HC order in CWP 23811 of 2015 not entitled even when he was eligible prior to date of notification and vacancy was available. Sr. No. 1 to 379 and on extension do not deserve list F.

Office view/Comments

No official has been given deemed date of promotion after attaining the age of 58 years. However, while applying the criteria w.e.f. 01.01.1978, deemed dates have been given to candidates prior to his/ her completing 58 years of age.

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Objection No. 6

Retired person cannot claim seniority retrospectively. All the retired personnel put before me in seniority list who are given deemed date is against law.

Office view/Comments

As the seniority was to be redrawn w.e.f. 4.4.1978, the serving and retired personnel had to be considered for grant of deemed date when they were in service. If this was not to be done, the entire exercise becomes meaningless.

Objection No. 7

Criteria for seniority of direct recruits mentioned in covering letter-selection merit list (if available) date of joining (if selection merit list not available). Rule 12.2 of the Punjab Police Rules, 1934 – if merit not available, age of candidate. Amended 12.2 (3) in 2003, if joining in 4 months, seniority merit list not to be disturbed.

Office view/Comments

The merit list of the officials is not available in the office record so the seniority has been prepared from the date of enlistment as per prevailing PPR at the relevant time.

Rule 12.2 (3) of the Punjab Police Rules, 1934 was amended on 28.02.03, prior to that it read for upper subordinates as under –

“Seniority in the case of upper subordinates, will be reckoned in the first instance from the date of first appointment, officer promoted from a lower rank being considered senior to persons appointed direct on the same date, and seniority of officers appointed direct the same date being reckoned according to the age. Seniority shall, however, be finally settled by dates of confirmation, the seniority inter se of several officers confirmed on the same date being that allotted to them on first appointment. Provided that any officer whose promotion or confirmation is delayed by reason of his being on deputation outside his range or district shall, on being promoted or confirmed, regain the seniority which he originally held vis-a-vis any officers promoted or confirmed before him during his deputation...”.

Group No.2 - Name, No. and Rank

- i. Insp. Sunil Kumar 2001/W (Proby. ASI, batch-1988)
- ii. Inspr. Gurinder Singh 2057/W (Proby. ASI, batch-1988)
- iii. Inspr. Jagtar Singh 2067/W (Proby. ASI, batch-1988)
- iv. Inspr. Hardev Singh 915/W (Proby. ASI, batch-1988)
- v. Inspr. Surjit Singh 2004/W (Proby. ASI, batch-1988)

Objection No. 1

Officials wrongly shown above me in F list of 2016 as per date of enlistment and date of birth (Randhir Singh 297/W, Jagir Singh 355/W, Mohinder Singh 360/W, Parkash Chand 374/W, Ranjit Singh).

Office View/Comments

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The names of SI Randhir Singh, No. 297, Jagir Singh, 355/W, Mohinder Singh 360/W, Parkash Chand, 374/W and Ranjit Singh, 376/W have been considered for 'F' List due to their own turn (seniority) and as per roster point. All are reserved category officials (SC), hence they have earned promotion by Reservation Policy and as such are placed at points as per their roster points and hence senior to Inspector Sunil Kumar Puri.

Objection No. 2

Date of retirement of following official not taken into account while giving seniority to others against their date of retirement (Raj Kumar 405/W, Harbhagwansingh 404/W, Amarjit Singh 31.03.2016.)

Office view/Comments

The vacant post on the retirement of SI Harbhagawan No. 404/W has been given to SI Surinder Kumar, 787/W mentioned at Sr. No. 100.

Remaining two posts are required for two out of turn promotion cases - Inspector Pal Singh No. 966/W and Inspector Iqbal Singh 942/W, who have been given promotion under P.P.R.-13.21 in 2011.

Objection No. 3

Janjua judgment 1999 and Sabharwal judgment 1995 not implemented (Roster point taken as seniority point for SC candidates)

Office view/Comments

Roster point has been given as per Punjab Govt. Instructions/rules.

In this respect, Punjab Government circular letter/ID No. 3/34/99-3PPI/12565, dated 22nd Oct., 1999 from the department of personnel is as under:-

"Roster point promotees cannot claim seniority on the basis of date of continuous officiation."

In the seniority list issued by office, the Roster Points have been adhered to at every promotional Avenue i.e. Ct to HC, HC to ASI, ASI to SI & SI to inspector.

Group No.3 - Name, No. and Rank

- (i) SI Anil Kumar 2752/W (Probationer ASI of 1993 batch)

Objection

Reserve category candidate not shown as per roster point and not implementing report of Rohi Ram, Deputy Director, Welfare and Janjua judgment and Sabharwal judgment

Office view/Comments

However, reserve category candidates have been considered as per roster point only.

Group No.5 - Name, No. and Rank

- (i) Inspr./LR Ramesh Kumar 802/W (Recruited as Constable on 14-12-1974)

Objection

Inspr. LR

Juniors promotion. Court order in his case in CWP No. 19052/2011

Office view/Comments

This seniority list was prepared on the basis of Punjab and Haryana High Court directions in CWP No. 21868/2013 and this seniority list of 23.07.16 supersede all the previous seniority lists.

Vide order dated 08.02.13 passed in CWP No. 19052 of 2011 titled as Ramesh Kumar V/S state of Punjab and others Hon'ble Punjab & Haryana High Court has issued direction in this case to the respondents to consider the claim of the petitioner for promotion to the post of Inspector from the date his juniors have been promoted and pass appropriate order within period of two months from the date of receipt of certified copy of this order. In case the petitioner is promoted the consequential benefit be released to the petitioner within a further period of two months.

SI Ramesh Kumar 802/W has been considered for promotion as per his turn. At Sr. No. 115, he has been given deemed date of SI (Revised) as 30-9-1994 and his name is in F-list (sent in "F" list of 41 officials) his name figures at Sr. No. 88.

Group No.6 - Name, No. and Rank

- (i) Inspr./LR Jagdeep Singh 211/W (Recruited as Constable on 14-1-1976)

Objections

He was senior to 1986 direct ASIs earlier but now shown junior.

For seniority of HCs, criterion is merit list of lower School Course.

For seniority of SI/ASI, criteria is date of confirmation. I was confirmed in 1991 before direct ASIs of 1986 batch were confirmed .

In list F, SI No. 35 (seniority Number 40) Vipin Kumar 299/W did not pass course how was he promoted

Office view/Comments

The amended seniority list issued on 23.7.2016 has been prepared from the date of enlistment as per the recommendations of officer's committee report dated 18.10.2012.

SI Jagdip Singh, No. 211/W stands at Sr. No. 132. Till 1984 sanctioned posts of HC were 32, thus, he was promoted as ASI on 03.03.1989. Proby. ASI's of 1986 & 1988 have, thus, become senior to him as per 2016 list. The period of at least 5 ½ years was taken for promotion as SI, hence, as he was promoted as ASI on 03.03.1989, he was eligible for SI promotion in 9/94 and probationer ASI's (1986 & 1988) were due in 1991 & 1993.

Vipin Kumar, No. 299/W has passed the OGF course in the 06.11.1997. Entry in character roll has been checked.

Group No.7 - Name, No. and Rank

- (i) Sukhpal Singh Inspr. (Retd.) 542/W (recruited as Constable on 5-4-1976)

Objections

- (i) SI No. 73 to 89 (except 76, 81, 86) were enlisted on 08-01-1987. They were confirmed on 20.01.1995. Now given fictitious confirmation dates. All dates have been changed.

Office view/Comments

In the amended seniority list, Prob. ASIs mentioned at Sr. No. 73 to 89 are enlisted in the year 1988 and further date of Confirmation has been given after three years and further dates given as per Officer Committee Report.

- (ii) Different criterion followed for Technical wings seniority list.

Office view/Comments

Same criteria has been adopted for promotion of the seniority of IT & T Wing (Operator/technician) in the technical cadre seniority list also.

- (iii) Clerical errors continue-
- (a) SI Bhajan Singh no. 524/w erroneously placed at S. No. 129 instead of 168.
- (b) SI Sunil Kumar (now Insp.) passed OGF on 17.10.2000 and given promotion as SI on 30.06.1994

Office view/Comments

(a) Date of enlistment of SI Bhajan Singh no. 524/w is 04-01-76 and has already been placed in correct place. Sr. No. 128 – Ranjit Singh 808/W – date of enlistment – 11-11-1975. Sr. No. 129 – Bhajan Singh 524/W – date of enlistment – 4-1-1976. Sr. No. 130 – Shamsher Singh 204/W – date of enlistment - 12-1-1976

(b) Sunil Kumar 2001/W passed OGF course on 17-10-2000 but date of promotion as SI given on 30-06-1994. In the seniority list, as per Officers' Committee Report, only the fact of passing promotional courses has been taken into consideration and not the date of passing the course. The criterion has been applied for all officials for promotion from Constable to HC, HC to ASI and ASI to SI for which promotion course has been prescribed.

Group No. 8 - Name, No. and Rank

- (i) Inspr. Damoder Dutt 518/W (recruited as Constable on 1-4-1976)
- (ii) Inspr. Amarjit Singh 526/W (recruited as Constable on 1-4-1976)

Note: Following ten officials do not figure in "F" list but submitted representations:

- (i) Inspr. Suresh Chander No. 527/W (recruited as Constable on 1-4-1976)
- (ii) Inspr. Chander Gupta No. 803/W (recruited as Constable on 21-12-1974)
- (iii) Inspr. Abhilash chander 552/W (recruited as Constable on 5-4-1976)
- (iv) Inspr. Darshan Lal 549/W (recruited as Constable on 5-4-1976)
- (v) Inspr. Sukhpal Singh 542/W (recruited as Constable on 5-4-1976)
- (vi) Inspr. Jarnail Singh 514/W (recruited as Constable on 1-4-1976)
- (vii) Inspr. Sukhdev Singh 504/W (recruited as Constable on 1-4-1976)

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- (viii) Inspr. Sukhjinder Singh 512/W (recruited as Constable on 1-4-1976)
- (ix) Inspr. Amar nath 533/W (recruited as Constable on 1-4-1976)
- (x) Inspr. Daljit Singh 489/W (recruited as Constable on 1-4-1976)

Objection

- (i) They were enlisted as constable in the year 1976 and passed various promotion course conducted by the department and were promoted to the next higher rank after passing the promotion courses. They retired as Inspector. Apart from Sr. No. 06 (Inspr. Mohinder Singh 360/W), they were senior to probationary ASIs of 1988 batch as per seniority list issued by the department in the year 1991, 2008 and 2011. The probationary ASIs did not raise any objection against the seniority lists. Now, as per seniority list issued on 23-07-2016, the probationary ASIs from Sr. No. 73 to 89 are shown senior to them. They were promoted ASIs in the year 1987, whereas, probationary ASIs were enlisted in the year 1988.
- (ii) The High Power committee did not make any recommendations to change 38 years and 25 years old seniority lists.
- (iii) A committee headed by Sh. M.K. Tiwari, IPS, and Hon' ble high Court in Civil writ petition titled add Sh. Sadhu Singh V/S State of Punjab (Police Department) had decided that old seniority list cannot be changed. Any report can be implemented from the date of its decision. In order to favour proba-tionary ASIs, the department has disobeyed the orders of Hon'ble Supreme Court of India and made loss to their seniority list, which is not acceptable to them.

Office view/Comments

- (i) As per the directions of the Hon'ble High Court, the Officer Committee was formed. The Officer Committee had submitted its recommendations on 18-10-2012. On the basis of recommendations of the Officer Committee dated 18-10-2012, the tentative seniority list was issued on 25-1-2013 and thereafter, the final seniority list was issued on 26-9-2013. Further, a committee was constituted under the Chairmanship of IGP/IT&T to look into recommendations made by the Officers Committee. The committee submitted its recommendations that the seniority list may be prepared from the date of enlistment of the officials. Thereafter, an amended seniority list was prepared and issued on 23-7-2016.
- (ii) This office vide letter No. 11685/E-1 dated 10-4-2013 directed that the seniority list be prepared w.e.f. 4-4-1978. accordingly, tentative seniority list was issued on 25-1-2013, final seniority list issued on 26-9-2013 and amended final seniority list issued on 23-7-2016. As per amended seniority list issued on 23-7-2016, the placement of these officials is as under: -

- 1 SI Suresh Chander 527/W sr. no. 149
- 2 SI Chandergupt 803/W Sr. No 118
- 3 SI Abhilash 552/W Sr. No. 190
- 4 SI Darshan Lal 549/W Sr. No. 188
- 5 SI Sukhpal Singh 542/W Sr. No. 192
- 6 SI Jarnail Singh 514/W Sr. No. 158
- 7 SI Sukhdev Singh 504/W Sr. No. 157
- 8 SI Sukhjinder Singh 512/W Sr. No. 153
- 9 SI Amar nath 533/W Sr. No.145
- 10 SI Daljit Singh 489/W Sr. No. 155

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- 11 SI Damodar Dutt 518/W Sr. No. 177
- 12 SI Amarjeet 526/W Sr. No. 159


The placement of the above officials in the seniority list is correct. They will be promoted to the next higher rank as per availability of vacant posts.

(iii) The Officer committee Report dated 18-10-2012 was in supersession of the report submitted by Sh. M.K. Tiwari, IPS. Upon clarification, the office of the DGP, Punjab vide No. 11685/E-1 dated 10-4-2013 approved that seniority list be prepared w.e.f. 4-4-1978, the date on which standing order dated 4-4-1978 came into effect. Accordingly, tentative seniority list was issued on 25-1-2013, final seniority list issued on 26-9-2013 and amended final seniority list issued on 23-7-2016.

9. The record has been perused and the views/comments of the office have been considered. Accordingly, no substance has been found in their objections in favour of them. Hence, their objections are considered and rejected. The final 'F' List prepared by the office is hereby approved.

Each of the said official may be supplied a copy of this order free of cost.

Dated:


Director General of Police,
Punjab, Chandigarh.