

CASE NO.:
Appeal (civil) 297-98 of 1987

PETITIONER:
KARNAIL SINGH

RESPONDENT:
STATE OF PUNJAB AND ANR.

DATE OF JUDGMENT: 06/09/1994

BENCH:
K. RAMASWAMY & N. VENKATACHALA

JUDGMENT:
JUDGMENT

1994 SUPPL. (3) SCR 196

The following Order of the Court delivered by :

Both the appeals are disposed of by a common judgment since same point is involved for adjudication. These appeals by Special Leave arise from the order of the Division Bench of the High Court of Punjab & Haryana in Civil Writ Petition No. 2636/86 dated August 13, 1986 and Civil Writ Petition No. 2719/86 of the Judgment. Admittedly the appellants were holding substantive posts as head-constables. They were sent to undergo intermediate course of training in the year 1976 and they were put in the 'G' list and they were temporary promoted as officiating Sub-Inspectors on May 1, 1981, Thereafter on April 1, 1994 they were selected for undergoing training of upper school course at police training college, Phillau in Distt. Jullundur. After completion of the training instead of promoting them as inspectors in the meantime they were reverted as head-constables. They filed writ petitions as stated earlier and the High Court dismissed the writ petitions.

It is seen from the proceedings Annexure - P at page the writ petitions.

It is seen from the proceedings Annexure-P at page 32 of the Paper Book that the appellants were not promoted as Inspectors. Though the appellants have completed the upper school course ending with the August, 1984 they have been ignored and not included on the E List due to their chequered service record. Mota Singh and Karnail Singh though have been categorised in that category, in paragraph 4 of the same order they have been promoted on ad hoc basis w.e.f. October 4, 1984. Admittedly Mota Singh, head constable No.80/119 and Karnail Singh head constable 82/22 are juniors to the appellants in the seniority mentioned in the order. When the appellants have been standing in the same position as Mota Singh and Karnail Singh and seniors to them necessarily they should also get the same treatment. Unfortunately that was meted out: It is sought to be contended on behalf of the State that due to bad record and adverse confidential report, they have not been given the promotion. Even assuming that they had adverse remarks, admittedly no enquiry was made, no findings were given after conducting an enquiry and after giving an opportunity to the appellants. Therefore, the reversion of them as head-constables is dearly illegal Though they have been promoted subsequently in 1987-88 respectively, they must be deemed to have been promoted oa par with juniors w.e.f. October 8, 1984. The appellants are accordingly entitled to the above declaration and the consequential benefits. The appeals are allowed and writ issued. No costs.