

Mohinder Singh and Another

Vs

State of Haryana and Others

Civil Appeal No. 3471 of 1991

(Smt. M. S. Fathima Beevi, B. C. Ray JJ)

03.09.1991

ORDER

1. Special leave granted.

2. We have heard learned counsel for both the parties and also considered the order passed by the High Court. Admittedly, these two appellants were appointed much earlier to the appointment of respondents 3 and 4 in the post of Assistant Sub-Inspector of Police. Their appointment being on March 30, 1971 and April 24, 1971 whereas the appointment of respondents 3 and 4 were on February 18, 1983. They were promoted in 1983 as Assistant Sub-Inspectors of Police. On January 1, 1989 respondents 3 and 4 and appellants 1 and 2 were promoted as Inspectors of Police and a composite seniority list of appellants, respondents 3 and 4 and other similarly appointed persons was issued by respondent 1 in which appellant 1 was shown at Serial No. 33, appellant 2 at Serial No. 34 and the respondents 3 and 4 were at Serial Nos. 46 and 47 respectively. On October 16, 1989 by order of respondents 1 and 2, State of Haryana and Director General of Policy respondent 3 was promoted out of turn as Deputy Superintendent of Police. On October 23, 1989 respondent 4 was promoted as Deputy Superintendent of Police, out of turn. It is rather curious that not a single whisper was there in the order of promotion why the said, out of turn, promotion was given. It was tried to be contended by learned counsels on behalf of respondents 3 and 4 that because of their gallantry this out of turn promotion was given. However, there is no whisper about this in the letters giving promotion. The appellants, on the other hand, were promoted as Deputy Superintendents of Police as on January 11, 1990. While filing the writ petition before the High Court, the appellants stated that they came to know of this out of turn promotion some time on August 3, 1990.

3. We have considered the order of the High Court. It is really a matter of great regret that in spite of several pronouncements of this Court that the order dismissing the writ petition must be a speaking order in order to enable the persons affected to know what were the reasons which weighed with the High Court in dismissing the writ petition (sic). This Court has observed several times that the High Court should not pass laconic order. In that view of the matter, we think it just, proper and fair to set aside the order of the High Court and send the case back on remand to the High Court to hear out the writ petition after giving opportunity to parties and recording a reasoned speaking order on merits.

4. The appeal is accordingly disposed of.

</html