

Jagbir Singh

Vs

State of Haryana and Others

Civil Appeals Nos. 6910-11 of 1996

(K. Ramaswamy, G. B. Pattanaik JJ)

25.03.1996

ORDER

1. Leave granted.

2. These appeals by special leave arise from the order of the Punjab and Haryana High Court made 31-3-1994 in Civil Writ Petitions Nos. 15044 of 1993 and 1575 of 1994. The appellant was recruited as a Constable in Haryana Police Service against sports quota on 15-9-1977. He was promoted as Head Constable on 4-7-1984 keeping in view his performance in the sports. He was also confirmed as a Head Constable on 31-8-1987. He was served with a show-cause notice by the Superintendent of Police dated 11-8-1988 as to why he should not be de-confirmed as Head Constable w.e.f. 31-8-1987. In the meanwhile, he was also promoted as Assistant Sub-Inspector on ad hoc basis on 22-11-1990. While he was continuing as Assistant Sub-Inspector, he was provisionally selected to undergo intermediate school course which was to commence from 15-9-1993. He was selected and sent for the training. While the appellant was undergoing the training his name was deleted from the list of Head Constables. Consequently, after unsuccessful attempt by representations, the appellant filed the Writ Petition No. 1575 of 1994 in the High Court challenging the validity of the second show-cause notice dated 14-12-1993. It was dismissed by the High Court by order dated 31-3-1994. The other writ petition challenging de-confirmation was dismissed. Thus, these appeals by special leave.

3. In view of the admitted position that he was recruited under the sports quota and also promoted thereunder, his promotion is according to rules. The controversy raised was considered by this Court in Rishal Singh v. State of Haryana [CA No. 852 of 1994, dt. 21-1-1994]. It was held therein that though the order indicated that the promotion was on ad hoc basis, but in view of Rule 13.1(1) of Chapter XIII of the Punjab Police Rules, 1934 as is applicable to the Haryana State the promotion given to the appellant was a regular promotion and it cannot be considered to be ad hoc. As a consequence, he was held to be entitled to confirmation in that position. In view of the above legal position we are of the view that the appellant is entitled to the regular promotion.

4. The appeals are accordingly allowed. He must be deemed to have been regularised as Head Constable. All the consequential benefits should also be given to the appellant. No costs.