

**SUPREME COURT OF INDIA**

Lachhman Singh

Vs

State of Punjab

(M.Jagannadha Rao and D.P. Mohapatra JJ.)

28.02.2000

**ORDER**

**M. JAGANNADHA RAO, J.**

1. Leave granted.

2. The question is about the Appellant's promotion from the post of Asstt. Sub Inspector to the post of Sub Inspector. The Appellant was granted promotion with effect from 11.8.1992 but he claims promotion from 25.7.1990 the date when his juniors were promoted. Earlier the Departmental Promotion Committee (DPC) met and the case of the Appellant was kept pending in view of the fact that a criminal case was pending trial against the Appellant. Subsequently, the criminal case ended in his favour on 24.5.1991. Meanwhile, juniors to the Appellant were promoted on 25.7.1990. The Appellant then made a representation to the higher authorities but the same was rejected. But this rejection was by the DIG of Police vide order dated 15.6.1995 wherein he has stated that the adverse report for the period 1.4.1988 to 31.3.1989 would still come in the way of the Appellant. It may be noted that the Appellant's name was placed in E. List with effect from 1.4.1990. The question relating to the promotion of the Appellant with effect from the anterior date has again to be considered by the DPC after the order of acquittal was passed on 24.5.1991. It will be for the DPC again to find out if the adverse remarks for the period 1.4.1988 to 31.3.1989 would come in the way of the Appellant being given promotion with effect from 25.7.1990 the date on which his juniors were promoted.

We, therefore, set aside the view expressed by the DIG in that behalf. The matter is remitted to the DPC for consideration whether the Appellant could be promoted from 25.7.1990. The appeal is disposed of accordingly.