

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

Civil Writ Petition No.13522 of 2000
Date of decision: March 4, 2008.

Nachhattar Singh

...Petitioner(s)

v.

Director General of Police, Punjab & Ors.

...Respondent(s)

CORAM:HON'BLE MR. JUSTICE SURYA KANT

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporters or not ?
3. Whether the judgment should be reported in the Digest.

Present: Mr. K.G. Chaudhary, Advocate for the petitioner.

Shri N.S. Pawar, Additional Advocate General, Punjab
for the respondents.

ORDER

Surya Kant, J. - (Oral):

In this civil writ petition under Article 226/227 of the Constitution, the petitioner seeks a writ in the nature of mandamus directing the respondents to take into consideration the 8 years service rendered by him while on deputation in the Intelligence Bureau with effect from 14.1.1990 to 2.7.1998 and then to consider and promote him from the date when his juniors were promoted.

The respondents, however, have filed their reply dated 17.1.2001 contesting the above stated claim of the petitioner which he has

reiterated by way of a rejoinder as well.

Learned Counsel for the Petitioner contends that the claim of the petitioner for getting the service counted, rendered by him while on deputation and consequential promotion from the date his juniors were promoted is squarely answered in his favour by this Court vide judgment dated 8.1.1999 passed in CWP No.17399 of 1997 (**Balbir Singh v. Director General of Police & Ors.**). The above stated judgment is stated to have been upheld by a Division Bench of this Court in LPA No.925 of 1999 which was dismissed in limine on 24.1.2000.

From the perusal of the judgment dated 8.1.1999 in **Balbir Singh's** case (supra), it appears that the said writ petitioner also remained on deputation with the Intelligence Bureau and after his repatriation to the parent department, he claimed promotion after taking into consideration the service rendered by him on deputation and also in relaxation of the Rule 13.8 of the PPR which mandates passing of Lower School Course for such promotion. His writ petition was allowed by a Learned Single Judge with a direction to consider him for promotion by relaxing the condition of passing of Lower School Course under PPR 13.8 and/or to permit the petitioner to seek voluntary retirement on the basis that he is working as a Head Constable.

It is contended on behalf of the petitioner that there is no distinguishable feature between his claim and that of **Balbir Singh's** case (supra).

In the light of the above stated stand taken on behalf of the petitioner, however, without going into the merits of his claim, this petition

is disposed of with a direction to the respondents to consider the petitioner's claim in accordance with law within a period of four months from the date of receipt of a certified copy of this order.

March 04, 2008.
kadyan

[**Surya Kant**]
Judge