JAGBIR SINGH

*v.*

STATE OF HARYANA AND ORS.

MARCH 25, 1996

[K. RAMASWAMY AND G.B. PATTANAIK, JJ.]

*Service Law :*

*Appointment against sports quota—Constable in Haryana Police—Appointment of—Promoted and later confirmed as Head Constable keeping in view his performance in sports—Subsequently steps for de confirmation taken—Held, employee entitled to regular promotion—He must be deemed to have been regularised as Head Constable and all consequential benefits should be given to him.*

*Rishal Singh* **v.** *State of Haryana & Ors.*, **JT (1992) 2 SC 157, relied on.**

CIVIL APPELLATE JURISDICTION : Civil Appeal Nos. 6910-11 of 1996.

From the Judgment and Order dated 31.3.94 of the Punjab & Haryana High Court in C.W.P. Nos. 15044/93 and 1575 of 1994.

Prem Malhotra and Piyush for the Appellants.

Ms. Indu Malhotra, Suruchi Aggarwal for the Respondents.

The following Order of the Court was delivered :

Leave granted.

These appeals by special leave arise from the order of the Punjab & Haryana High Court made on 31.3.1994 in Civil Writ Petition Nos. 15044/93 and 1575/94. The appellant was recruited as a Constable in Haryana Police service against sports quota on September 15, 1977. He was promoted as Head Constable on July 4, 1984 keeping in view his performance in the sports. He was also confirmed as a Head Constable on August 31, 1987. He was served with a show cause notice by Superintendent of Police dated August 11, 1988 as to why he should not be de-confirmed as Head Con-

A stable w.e.f. August 31, 1987. In the meanwhile, he was also promoted as Assistant Sub-Inspector on *ad hoc* basis on November 22, 1990. While he was continuing as Assistant Sub-Inspector, he was provisionally selected to undergo intermediate school course which was to commence from September 15, 1993. He was selected and sent for the training While the appellant
B 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. 1575/94 in the High Court challenging the validity of the second show cause notice dated December 14, 1993. It was dismissed by the High Court by order dated March 31, 1994. The other writ petition challenging de-confirmation was dismissed. Thus,
C these appeals by special leave.

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 & Ors.*, JT (1992) 2 SC 157). It was held therein that
D 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.
E In view of the above legal position we are of the view that the appellant is entitled to the regular promotion.

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.

F

R.P. Appeals allowed.