
(2018) 04 RAJ CK 0176
In the Rajasthan High Court
Case No : Spl. Appl. Writ No. 959 of 2011

Anop Singh Rathore @APPELLANT@Hash State of Rajasthan & Ors.

Date of Decision : 11-04-2018

Acts Referred:

Rajasthan Police Subordinate Service Rules, 1989 — Section 28

Citation : (2018) 04 RAJ CK 0176

Hon'ble Judges : PRADEEP NANDRAJOG, CJ; VINIT KUMAR MATHUR, J

Bench : Division Bench

Advocate : Sajjan Singh, Sweta Bora, Anil Kumar Bissa

Final Decision : Dismissed

Judgement

1. Heard learned counsel for the parties.
2. The appellant was working as a Head Constable and was part of a team headed by Bhanwar Lal Shisodia, SHO, Police Station Sardarsahar, ASI Bholaram and Ct.Vijendra Kumar. A wireless message was received on 18.8.2002 at 7.15 P.M. informing that three persons with criminal background had stolen a Tata Spacio bearing No.RJ-07-04796. The team spotted the motor vehicle and a chase ensued. There was cross firing. One suspect was apprehended at the spot.
3. Considering the circumstances enwombing the episode the Director General of Police took a decision that in appreciation of his role the appellant be given cash award in sum of ₹ 3000/- and an appreciation certificate.
4. Case of the appellant is that as per Rule 28 of the Rajasthan Police Subordinate Service Rules, 1989 for those who show outstanding devotion to duty out-of-turn promotion has to be granted. The grievance is to the out-of-turn promotion not being granted.
5. Dismissing the writ petition filed by the appellant the view taken by the

learned Single Judge is that the police personnel are required to show requisite courage and promptitude while discharging duties and even if they come under fire from antisocial elements it is the duty of the police to continue the chase and try to apprehend the accused.

6. The learned Single Judge has noted various decisions pronounced by the Supreme Court as to when can it be said that an act was of such exemplary courage and devotion to duty that a reward in the form of out-of-turn promotion needs to be granted. The learned Single Judge has highlighted that these issues are ordinarily within the domain of the executive. The learned Single Judge has noted that during the pendency of the writ petition the appellant earned promotion to the rank of Assistant Sub-Inspector and thereafter to the post of Sub-Inspector.

7. We agree with the view taken by the learned Single Judge. The appellant was a member of team comprising other police officials and all of them chased the motor vehicle in which there were three persons. There was crossing firing. No such individual act of exemplary courage emerges from what role was played by the appellant.

8. Learned counsel for the appellant makes the grievance that recommendation for promoting Ct. Vijendra Kumar and Inspector Bhanwar Lal was forwarded to the State Government by the police department.

9. We find this aspect not being noted and hence not considered by the learned Single Judge in the impugned decision.

10. Now, merely recommending somebody to be granted out-of-turn promotion is neither here nor there. There is no plea in the writ petition that said two police officials were granted out-of-turn promotion. Assuming they were. Unless there is complete parity in the roles played by different members of a team it cannot be urged that merely because two members of the team were granted a benefit even the claimant should be granted one.

11. The appeal is dismissed.

12. No costs.