

(1996) 12 SC CK 0055

In the Supreme Court Of India

Case No : Civil Appeal No. 16846 of 1996

Dhirender Singh etc.

APPELLANT

Vs

State of Haryana and others

RESPONDENT

Date of Decision : 09-12-1996

Acts Referred:

Citation : AIR 1997 SC 3654 : (1997) AIRSCW 1573 : (1996) 11 JT 534 : (1997) 1 SCALE 46 : (1997) 2 SCC 712 : (1997) SCC(L&S) 753 : (1996) 9 SCR 693 Supp : (1997) 1 Supreme 513

Hon'ble Judges : K. Ramaswamy, J;G. T. Nanavati, J

Bench : Division Bench

Advocate : B.S. Malik, S.S. Tiwari and Mahabir Singh, for the Appellant; Ajay Siwach and Prem Malhotra, for the Respondent

Final Decision : Dismissed

Judgement

1. Leave granted.

2. In the counter affidavit filed by the respondents it is stated that the Superintendent of Police had promoted that appellant in the sports quota in view of the outstanding performance in sports, namely, wrestling, on January 16, 1990 on ad hoc basis against an upgraded vacancy. It is also stated that it was clearly mentioned in the order of appointment that the appellant could be reverted at any time without any notice and that he would have no right to seniority in the post. Learned Counsel for the appellant has relied upon the judgment of this Court in Rishal Singh v. State of Haryana and Ors. 1994 (2) SCC 157. Therein promotion was given by the D.I.G. to the appellant due to his outstanding merit in sports relying upon Rule 13.8(2) of Punjab Police Rule 4734. This Court had held that since the D.I.G. was competent authority to make appointment by promotion and having considered the appellant therein as an outstanding sports person had promoted him; it was done in terms of Rule 13.8(2) of the Rules giving power to grant any temporary promotion; the promotion, therefore, though termed to be a temporary promotion, was in effect

a regular promotion. Under those circumstances, it was held that his reversion as Constable was bad in law. Admittedly, in this case, the Superintendent of Police has promoted him and no approval of DIG was obtained. Under those circumstances, the ratio therein has no application to the facts. We do not find any ground warranting interference with the order passed by the High Court.

3. The appeal is accordingly dismissed. No costs. If the appellant is otherwise eligible, this order of dismissal does not stand in his way for consideration of his case according to rules.

CA. 16847/96 @ SLP (C) 19421/96:

Leave granted. Following the above order, this appeal is also dismissed. No costs.