

**(1991) 09 SC CK 0001**

**In the Supreme Court Of India**

**Case No : Civil Appeal No. 3471 of 1991**

Mohinder Singh and Another

APPELLANT

Vs

State of Haryana and Others

RESPONDENT

**Date of Decision : 03-09-1991**

**Acts Referred:**

**Citation :** (1991) 3 JT 603 : (1992) 1 PLJR 117 : (1991) 2 SCALE 492 : (1991) 2 SCC 207 Supp : (1991) 3 SCR 859 : (1992) 1 UJ 82

**Hon'ble Judges :** M. Fathima Beevi, J;B. C. Ray, J

**Bench :** Division Bench

**Advocate :** G.K. Bansal, for the Appellant; K.C. Bajaj, Kusum Chaudhary and Y.K. Jain, for the Respondent

**Final Decision :** Dismissed

## Judgement

1. Special leave granted.

2. We have heard learned Counsel for both the parties and also considered the order passed by the High Court. Admittedly, these two appellants were appointed much earlier to the appointment of respondent Nos. 3 and 4 in the post of Assistant Sub-Inspector of Police. Their appointment being on 30.3.71 and 24.4.71 whereas the appointment of respondent Nos. 3 and 4 were on 18.2.83. They were promoted in 1983 as Assistant Sub-Inspectors of Police. On 1.1.89 respondent Nos. 3 and 4 and appellant Nos. 1 and 2 were promoted as Inspectors of Police and a composite Seniority List of appellants, respondent Nos. 3 and 4 and other similarly appointed persons was issued by respondent No. 1 in which appellant No. 1 was shown at serial No. 33, appellant No. 2 at serial No. 34 and the respondent Nos. 3 and 4 were at serial numbers 46 and 47 respectively. On 16.10.89 by order of respondent Nos. 1 and 2, State of Haryana and Director General of Police respondent No. 3 was promoted out of turn as Deputy Superintendent of Police. On 23.10.89 respondent No. 4 was promoted as Deputy Superintendent of Police, out of turn. It is rather curious that not a single whisper was there in the order of promotion why the said, out of turn, promotion

was given. It was tried to be contended by learned Counsels on behalf of respondent Nos. 3 and 4 that because of their gallantry this out of turn promotion was given. However, there is no whisper about this in the letters giving promotion. The appellants, on the other hand, were promoted as Deputy Superintendents of Police as on 11.1.90. While filing the Writ Petition before the High Court, the appellants stated that they came to know of this out of turn promotion sometime on 3.8.90.

3. We have considered the order of the High Court. It is really a matter of great regret that inspite; of several pronouncements of this Court that the order dismissing the writ petition must be a speaking order in order to enable the persons affected to know what were the reasons which weighed with the High Court in dismissing the writ petition. This Court has observed several times that the High Court should not pass laconic order. In that view of the matter, we think it just, proper and fair to set aside the order of the High Court and send the case back on remand to the High Court to hear out the writ petition after giving opportunity to parties and recording a reasoned speaking order on merits.

4. The appeal is accordingly disposed of.