
(1995) 03 AHC CK 0041
In the Allahabad High Court
Case No : Second Appeal No. 1947 of 1982

Ram Jiwan Singh

APPELLANT

Vs

State of U.P.and Others

RESPONDENT

Date of Decision : 09-03-1995

Acts Referred:

Uttar Pradesh Police Regulations, 1948 — Para 454, Para 455

Citation : (1995) 03 AHC CK 0041

Hon'ble Judges : P.K.Mukherjee, J

Final Decision : Disposed Of

Judgement

P. K. Mukherjee, J.—Although this petition is appearing for admission out by the consent of both the parties, petition is taken up for hearing and final disposal.

2. Sri Rajesh Pathik, learned counsel appearing for the petitioner in support of instant writ petition submitted that by two impugned orders dated December 4, 1989 and October 30, 1990 passed by the Superintendent of Police Railway, Agra, contained in AnnexureIII and IIIA, by which the petitioner who was promoted to work as Head Constable, on the basis of his good record of service, has been reverted back to the post: of constable.

3. It is the case of the petitioner that, petitioner was promoted to the post of Head Constable in terms of Para 455 of U. P. Police Regulations 1976 corrected up to 1982.

4. Learned counsel for the petitioner further contended that in order to accommodate any Head Constable, selected on the basis of provisions f Para 454 of the aforesaid regulations, petitioner can be reverted back to the post of Constable for lapses on his part.

5. Learned standing counsel, appearing on behalf of police authorities submitted that this Court has to make harmonious construction with both the paragraphs namely, Paras 454 and 455 and pass appropriate order considering the exigencies of this case.

6. It appears from the facts of this case that although the petitioner was reverted originally from the post of Head Constable to the post of Constable on September 9, 1986 but was again promoted to the post of Head Constable on January 6, 1989. From this fact it appears to this Court that respondent authorities, including Superintendent of Police, Railway Agra are not aware of the legal implication of the effect of the aforesaid two provisions of Paras 454 and 455) of the U. P. Police Regulations, 1976.

7. Considering the facts of this case, this Court is of the view that Para 455 has to be read with Para 454, and the Head Constable appointed under Para 455 should not be reverted as Constable only to accommodate those Head Constables selected in terms of the provisions of Para 454 of the aforesaid regulations.

8. In the result, in view of what has been stated above, both the orders dated December 4, 1989 and October 30, 1990 (Annexure III and III A) passed by the Superintendent of Police, Railway, Agra, being respondent No. 2, so far as it relates to the petitioner are set aside,

9. Respondents, and, each one of them are directed to promote the petitioner on the post of Head Constable forthwith, and, arrears of pay of the payscale of Head Constable, after due calculation shall be paid to the petitioner within a period of six months.

10. The aforesaid order virtually disposes the instant writ petition.

11. Writ petition is disposed of finally in terms indicated above. However, there shall be no order as to costs.

12. Let a certified copy of this order be issued to the learned counsel on payment of usual charges.