

Speed post

No. I-14013/31/2015-IPS.I
Government of India
Ministry of Home Affairs

New Delhi, the 28th February, 2019

ORDER

The Hon'ble Supreme Court in the Civil Appeal No. 1340/2019 [arising out of SLP (C) No. 16942/2017] filed by the Union Public Service Commission against the Order dated 24.05.2017 of the Hon'ble High Court of Himachal Pradesh at Shimla in COPC No. 392/2016 filed by Smt. Leela Sharma wife of Late Shri Chuni Lal Sharma order dated 31.01.2019 has been disposed, with the following observations/directions:-

"10. The matter lay within a very short compass. As far back as in the year 1981, late Chuni Lal Sharma was found eligible for promotion to the Indian Police Service and on the basis of his seniority and grading, he was directed by the Public Service Commission to be placed below Durga Shankar Amist. Naturally, promotion to the Indian Police Service should have been forthcoming with effect from the date/dates on which his promotion was due, but wrongly denied. We are told at the Bar that Shri Durga Shankar Amist was promoted to the Indian Police Service in the year 1977. It is not suggested and stated that late Chuni Lal Sharma was due for promotion subsequently or from a difference date. Late Chuni Lal Sharma was, therefore, entitled for promotion to the Indian Police Service from the same date as Durgar Sharnkar Amist was promoted.

12. Be that as it may, the order, in the light of the facts stated above which would be justified, is a declaration that late Chuni Lal Sharma was a member of the Indian Police Service of the Himachal Pradesh Cadre from the year 1977. The precise date would be determined by the State authority with effect from which date he will be acknowledged to be a member of the Indian Police Service. All consequential reliefs in terms of pay, increments, pension and other retiral benefits that would have come to late Chuni Lal Sharma had he been promoted as a member of the Indian Police Service with effect from the date in question will now be afford/ed to the respondent No.1. This will be done forthwith and, in any case, within a period of four weeks from today."

2. The Commission has intimated that in compliance of Order dated 20.05.2009 of the Hon'ble High Court of Himachal Pradesh at Shimla in CWP No. 666/2000 filed by Shri Chuni Lal, the State Govt. vide Notification dated 21.09.2010, refixed seniority of Shri Chuni Lal in State Police Service and place him between Shri Raj Kumar Mehta and Shri Atma Ram who were promoted to IPS of Himachal Pradesh Cadre vide Notification dated 11.11.1977. On the basis of the Select List 1976 prepared by the Selection Committee Meeting held on 27.11.1976. Thereafter, the State Govt. requested the Commission to consider the name of Shri Chuni Lal for inclusion in the Select List of 1976 for promotion to IPS of Himachal Pradesh Cadre. However, no ACR was provided stating that the same stands destroyed.

Contd.....2/-

3. As ACRs were required to assess the suitability of the officer for inclusion in the Select List, the Review Selection Committee Meeting could not be held. To sort out the issue, the Commission filed SLP (C) No. 16942/2017 in the Hon'ble Supreme Court. The SLP was converted into Civil Appeal No. 1340/2019 and disposed of by the Hon'ble Supreme Court, vide Order dated 31.01.2019, declaring Shri Chuni Lal as IPS officer of Himachal Pradesh Cadre from a date in 1977 when Shri Durga Shankar Amist was promoted. It is mentioned that Shri Durga Shankar Amist was appointed to the IPS of Himachal Pradesh Cadre by the Govt. of India on 11.11.1977 consequent upon inclusion of his name in the Select List of 1976 by the Review Selection Committee Meeting held on 17.11.1987.

4. In view of the order dated 31.01.2019 of the Hon'ble Supreme Court has declared Shri Chuni Lal as IPS of Himachal Pradesh Cadre from 1977 when Shri Durga Shankar Amist was promoted to IPS, and Review Selection Committee Meeting is not required to be convened and recommended the name of Shri Chuni Lal placed him between Shri Raj Kumar Mehta and Shri Atma Ram in the Select List on 1976 prepared by the SCM held on 27.11.1976 for promotion to the IPS of Himachal Pradesh Cadre as approved by the Union Public Service Commission on 28.02.2019 under Regulation 7 (3) of the Appointment by promotion Regulation, 1955.

5. Consequent upon inclusion of the name as per direction of the Hon'ble Supreme Court of India mentioned in para-1 to 4 above, Late Shri Chuni Lal entitled all consequential reliefs in terms of pay, increments, pension and other retiral benefits.

(R S Vaidya)
Deputy Secretary (Police-1)
Tele No. 2309 3256

Copies to:

1. The Chief Secretary, Government of Himachal Pradesh, Shimla {Kind Attn. **Shri Rakesh Sharma, Spl Secretary (Home Deptt.)**} – for information.
2. The Secretary, Union Public Service Commission, Dholpur House, Shahjahan Road, **NEW DELHI**. (Kind Attn. **Shri. N K Kumar, Under Secretary, AIS**) for information w.r.t. letter dated 28.02.2019.
3. The Accountant General, **Himachal Pradesh, Shimla**.
4. The Director General of Police, **Himachal Pradesh, Shimla**.
5. IPS- II, III, IV / IPS ACR Cell / Civil List Seat / Seniority Seat.
6. SO (IT) for uploading this notification on the website of MHA.

(R S Vaidya)
Deputy Secretary (Police-1)