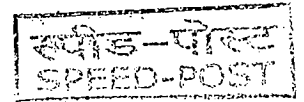


File No.I-14011/29/2016-IPS-I  
Government of India/Bharat Sarkar  
Ministry of Home Affairs/Grih Mantralaya  
\*\*\*\*\*



03 AUG 2018

New Delhi, the August, 2018

**// ORDER //**

Government of Punjab vide letter No. 11/14/2014-3HI/1928 dated 19.07.2018 has forwarded particulars of Shri Jit Singh (retired) and Shri Balwant Singh (retired and expired) IPS officers of Punjab appointed by the promotion to the Punjab Cadre of Indian Police Service for fixation of seniority/year of allotment.

2. Shri Jit Singh and Shri Balwant Singh, officers of Punjab Police Service, were dismissed from the service vide Order dated 04.09.1985 issued by the State Government without holding an inquiry, under proviso (b) to Article 311(2) of the Constitution of India. The Order dated 04.09.1985 regarding dismissal from service was challenged before the Hon'ble High Court of Punjab and Haryana at Chandigarh in CWP No. 4335/1986 filed by Shri Jit Singh and CWP No. 11532/1988 filed by Shri Balwant Singh. Both the CWPs were allowed by the Hon'ble High Court, vide its Order dated 24.09.2009, with the following observations/directions:-

*"It is settled proposition of law that disciplinary authority is not expected to dispense with the departmental enquiry merely because it does not want to hold such enquiry or in an arbitrary manner or for ulterior motives or to over-come the political or other pressure at the relevant time. Holding up departmental proceedings for any kind of dereliction of duty is a rule and its dispensation is an exception. The exception to the rule is enumerated under proviso to article 311(2) (b) of the Constitution of India. There must be valid reasons to dispense with the enquiry based upon material. No material has been placed before this Court to substantiate the grounds/opinion of the Advisor to Governor for dispensing with the departmental enquiry which is otherwise a rule and a basic right of a government servant. The opinion must be based upon objective criterion and identifiable material and not merely on the presumptuous opinion of the authorities. I do not find that the grounds projected are sufficient or at least supported with the material on record to dispense with the enquiry.*

*For the above reasons, both the writ petitions are allowed and the impugned orders dismissing the petitioners from service are hereby set aside. The petitioners are directed to be reinstated into service forthwith. However, the petitioners shall not be entitled to any financial benefits during the interregnum they were out of service though the period of dismissal shall be counted towards their length of service and shall be considered a part of the qualifying service for determination of the pensionary benefits, fixation of pay, which, inter-alia, includes the notional benefit of increments, revision of pay and promotional aspects as well. In the event the petitioners have achieved the age of superannuation, they will be entitled to pensionary benefits accordingly".*

4. On the basis of the information provided by the State Government, the year of allotment / seniority of the aforesaid officer appointed vide this Ministry's order no. I-14011/29/2016-IPS.I dated 19.01.2017, their seniority is fixed in terms of pre amended Seniority Rule 3 (3) (ii) of the IPS (Regulation of Seniority), 1988 which is shown in column no.7 of the table below:-

Sl. No.	Name of the officer(S/Shri)	Select List	Date from which holding rank not below that of Dy. SP or Equivalent	Completed year of service rendered in the rank not below that of Dy. SP or equivalent till 31 <sup>st</sup> day of December of the year immediately before the year for which the SCM was held to prepare the select list on the basis of which the said officer was appointed to IPS (Fraction if any are to be ignored)	Total weightage in years in terms of the IPS (Regulation of Seniority) Rules, 1988 (years)	Year of allotment.
1	2	3	4	5	6	7
1	Jit Singh @	1985	10.12.1971	13	4	1981
2	Balwant Singh @ #	1989	11.02.1978	10	4	1987*

@ Retired from service. # Expired.

\* The year of allotment in respect of Srl 2 has been restricted to 1987 in pursuance with first proviso to Rule 3 (3) (ii) of IPS (Regulation of Seniority) Rules, 1988, as his senior Shri Gurinder Pal Singh was allotted 1987.

(Ajay Kumar Singh)  
Under Secretary to the Govt. of India

Tel. 2309 4517

Dated August, 2018

File No.I-15011/29/2016-IPS-I

To,

1. The Chief Secretary, Government of Punjab, Chandigarh {Kind Attn. Shri Kumar Rahul, Secretary (Home)} With the request that the concerned retired officers may be intimated in this regard.
2. The Accountant General, Punjab, Chandigarh.
3. Director General of Police, Punjab, Chandigarh.
4. IPS-II, IPS-III, IPS-IV, ACR Cell/Seniority Seat/ Civil List seat.
5. SO (IT) for uploading this order on the website of MHA- IPS Management >SPS to IPS>Seniority Fixation.

(Ajay Kumar Singh)  
Under Secretary to the Govt. of India