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C.A.No. 3466 OF 2000

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ITEM NO. 113 COURT NO. 6 SECTION IV

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

CIVIL APPEAL NO. 3466/2000

State of Punjab & Anr. .. Appellant (s)

Vs.

ASI Balkar Singh .. Respondent(s)

DATE : 13.12.2001 : This/These matter (s) was/were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S. RAJENDRA BABU
HON'BLE MRS.JUSTICE RUMA PAL

For Appellant (s) : Mr. Lokesh Kumar, Adv. for
Mr. R.S. Suri, Adv.

For Respondent (s) :

UPON hearing counsel the Court made the following

O R D E R

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The appeal is allowed in terms of the singed order.

.SP1

Charanjit

[Om Prakash]
Court Master

[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 3466/2000@@
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State of Punjab & Anr. .. Appellants

Vs.

ASI Balkar Singh .. Respondent

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A suit was filed by respondent who is Assistant Sub Inspector in the police Department of the appellants for a declaration that the order forfeiting two years approved service is illegal on the ground that the Senior Superintendent of Police has no jurisdiction to pass this order.

The trial Court proceeded on the basis that the respondent had been appointed as a Constable and later on he was promoted to the rank of Assistant Sub-Inspector pursuant to the order made by Deputy Inspector General of Police, Ferozpur and therefore, he was the appointing authority and hence he alone could have passed the order in question. On that basis it passed a decree in this suit declaring that the said order is null and void, set aside the same and held that he is entitled to all consequential benefits. The matter was carried in appeal.

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The learned District Judge in the First Appeal and High Court in the second appeal considered the matter but affirmed the order made by the trial Court.

A perusal of the records will clearly indicate that the order of promotion was passed by the Superintendent of Police and Deputy Inspector General had only affirmed that order appointing him as Assistant Sub-Inspector. Therefore, it could not be said that Senior Superintendent of Police was not competent to pass the order of punishment in question. The fact that the Superintendent of Police is competent to pass such an order is also clear from the decision of this Court in State of Punjab and Ors. Vs. Manohar Lal- 1986 Supp. SCC 524.

The order made by the High Court affirming the decree made by the trial Court as affirmed by the first appellate Court is set aside and the suit filed by the respondent shall stand dismissed. This appeal is allowed accordingly.

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[S. RAJENDRA BABU]@@
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[RUMA PAL]@@
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New Delhi,@@
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December 13, 2001