[2021] 3 S.C.R. 278

SURESH KUMAR
v.
THE STATE OF HARYANA & ORS.

(Civil Appeal No.1076 of 2021)

MARCH 26, 2021

[ASHOK BHUSHAN* AND R. SUBHASH REDDY, JJ.]

Punjab Police Rules, 1934: r.13.14 – Promotion to the post of Inspector – r.13.14(2) provides that no Sub-Inspector shall be considered eligible for promotion to a selection grade unless he has at least eight years' approved service as an upper subordinate, of which five years shall have been in the rank of Sub-Inspector – Promotion to selection grade of a Sub-Inspector was pre-condition for including the name of a Sub-Inspector in List 'F' which is a list from which promotion to Inspector was to be made – Even though scheme of grant of selection grade was done away by the State by its common order dated 29.04.1987, the exercise of promotion to Inspector from Sub-Inspector even after 29.04.1987 was done on the basis of requirement of Rule 13.14(2) – The criteria in the Rules for assessing a person that he was entitled for grant of selection grade cannot be said to be meaningless with no purpose after withdrawal of the selection grade – For promotion to Sub-Inspector to selection grade eight years' approved service was contemplated which was with intent that sufficient experience is gained by a Police personnel to be considered for promotion to Inspector who is to man a Police Station and has to discharge other important functions – The selection grades are in the nature of promotional scale, therefore, the criteria provided for promotion to selection grade can very well be taken as criteria for further promotion which is the spirit of the Rules followed uniformly by the State while effecting the promotion – The object and purpose of the Rules and methodology for evaluating the Police personnel to move in the higher rank in the same or to the next rank cannot be lost sight nor can be ignored merely because the scheme was withdrawn on 29.04.1987 – No error is committed by the State in continuing the evaluation of the Sub-Inspectors on the basis of criteria as provided in Rule 13.14 while effecting promotion – Service law – Promotion.

---

* Author

Dismissing the appeals, the Court Held:

1. **The Government Order dated 29.04.1987 issued by the State of Haryana, which communicates the decision of the State Government that "the present system of selection grades as it exists for the employees of Groups B, C & D has been discontinued". The effect of the G.O. dated 29.04.1987 was that there was no entitlement of a Sub-Inspector or any police personnel belonging to Group C to claim selection grade. The statutory Rule 13.1 provides that promotion from one rank to another and from one grade to another in the same rank shall be made by selection tempered by seniority. The use of expression "specific qualifications whether in the nature of training courses passed or practical experience, shall be carefully considered in each case" indicate that qualifications for promotion are not contained in Rule 13.1 and they have to be found out from other part of the Rules. Rule 13.1 governs both promotions, from one rank to another, and from one grade to another. Thus, Rule 13.1 regulates promotion within the grade and from one grade to another. Rule 13.14 contains the heading "promotions to and in the selection grades of Sub-Inspectors". Rule 13.14(2) provides that no Sub-Inspector shall be considered eligible for promotion to a selection grade unless he has at least eight years' approved service as an upper subordinate, of which five years shall have been in the rank of Sub-Inspector. Now, coming to Rule 13.15 which deals with "List F-Promotion to Inspectors", Rule 13.15(1) deals with recommendations on behalf of Sub-Inspectors considered fit for promotion to the rank of Inspector to be submitted with their annual confidential reports on the 15th April each year to Deputy Inspector-General by Superintendents of Police in Form 13.15(1). [Para 16]**

2. **Rule 13.15(4) provides that Sub-Inspectors admitted to List 'F' will be placed in that list in order according to their date of permanent promotion to selection grade. Thus, date of permanent promotion to selection grade is criteria which was required to be followed for promotion to Inspector and as required by Rule 13.14(2) no Sub-Inspector shall be considered eligible for promotion to a selection grade unless he has at least eight years' approved service as an upper subordinate, of which at least five years shall have been in the rank of Sub-Inspector. [Para 17]**

3. Thus, promotion to selection grade of a Sub-Inspector was pre-condition for including the name of a Sub-Inspector in List 'F' which is a list from which promotion to Inspector was to be made. Even though scheme of grant of selection grade was done away by the State vide its common order dated 29.04.1987, the exercise of promotion to Inspector from Sub-Inspector even after 29.04.1987 was done on the basis of requirement of Rule 13.14(2), i.e., names of only those Sub-Inspectors were included in List 'F' who have eight years of approved service as an upper subordinate to their cadre. The promotion to selection grade was contemplated under the Rules by following eligibility and criteria as laid down in the Rules. The submission of the respondents is that after the State Government withdrew the scheme of selection grade by the Government order dated 29.04.1987 all statutory provisions regarding grant of selection grade became redundant. Even if no selection grade was to be provided to any of the personnel of the Police force after 29.04.1987, the criteria which was adopted for in rank promotion was followed by the State for promotion to the next rank. The Rules contained in Chapter XIII have to be given a conjoint and meaningful reading to advance object and purpose of the Rules. The Rules provided a mode and manner for assessment of an official to move forward by means of a grant of selection grade and thereafter by the next step on the next rank. The criteria in the Rules for assessing a person that he was entitled for grant of selection grade cannot be said to be meaningless with no purpose after withdrawal of the selection grade. The grant of selection grade, in the rank in which Police official was there, is a step for making eligible officer to move to the higher rank. Can the argument be accepted that promotion of Sub-Inspector to Inspector has been on the basis of seniority alone? Whether there shall be no cap of experience when a Sub-Inspector is considered to be promoted to next higher rank in grade, i.e., Inspector? If we accept the submission of the counsel of the respondents that the requirement as contained in Rule 13.14(2) is no longer applicable after withdrawal of selection grade, there will be no requirement of any experience to any Sub-Inspector for becoming an Inspector which was never the intendment of the statutory Rules. For promotion to Sub-Inspector to selection grade eight years' approved service was contemplated which

was with intent that sufficient experience is gained by a Police personnel to be considered for promotion to Inspector who is to man a Police Station and has to discharge other important functions. It is relevant to notice that no amendments in the statutory Rules were made after 29.04.1987 and even after notification was issued dated 24.12.2001 substituting Rule 12.3. The case of the State before the High Court and before this Court is that even after 29.04.1987 till 2017 Rules were enforced, all Sub-Inspectors, including direct and promotees were uniformly dealt with by insisting the requirement of eight years' approved service as the upper subordinate for the purposes of inclusion of their names in List 'F'. [Para 18]

4. The selection grades are in the nature of promotional scale, therefore, the criteria provided for promotion to selection grade can very well be taken as criteria for further promotion which is the spirit of the Rules followed uniformly by the State while effecting the promotion. The object and purpose of the Rules and methodology for evaluating the Police personnel to move in the higher rank in the same or to the next rank cannot be lost sight nor can be ignored merely because the scheme was withdrawn on 29.04.1987. No error has been committed by the State in continuing the evaluation of the Sub-Inspectors on the basis of criteria as provided in Rule 13.14 while effecting promotion. This Court has laid down time and again that while construing statutory Rules such construction should be adopted which may give effect to the intention or object of the Rule and no such interpretation be put which may make the Rule ineffective. [Paras 19, 20]

State of Gujarat and Another vs. Justice R.A. Mehta (Retired) and Others **(2013) 3 SCC 1 : [2013] 1 SCR 1 – relied on.**

5. The principle of construction of statutory Rules as laid down above would apply to the interpretation of Punjab Police Rules, 1934. The High Court did not commit any error in construing the Rules in the manner as was construed by the High Court. Chapter XIII of the Punjab Police Rules, 1934 have to be conjointly and harmoniously construed and when we construe Rules 13.1, 13.14 and 13.15, we do not find any error in State promoting the Sub-Inspectors to Inspectors who have eight

years' approved service to their credit, at least five years being as Sub-Inspectors. Thus, the High Court has rightly upheld the promotion orders of private respondents. No ground is made out to interfere with the judgment of the High Court in these appeals. [Para 21]

State of Gujarat and Another v. Justice R.A. Mehta (Retired) and Others **(2013) 3 SCC 1 : [2013] 1 SCR 1 – relied on.**

CIVIL APPELLATE JURISDICTION : Civil Appeal No.1076 of 2021.

From the Judgment and Order dated 27.07.2020 of the High Court of Punjab and Haryana at Chandigarh in CWP No.13496/2009(O&M).

With

Civil Appeal Nos.1077 And 1078 of 2021.

Nikhil Goel, AAG, Shyam Divan, P.S. Patwalia, Gurminder Singh, P.S. Narasimha, Sr. Advs., Pardeep Dahiya, Ms. Mahima Benipuri, Devashish Bharuka, Ashok K. Mahajan, Gautam Awasthi, Guroor Sandhu, Devanshu Yadav, Ms. Naveen Goel, Dushyant Sarna, Vinay Mathew, Dr. Monika Gusain, Ms. Sindoora VNL, Sunil Gulia, Rahul Gupta, Advs. for the appearing parties.

The Judgment of the Court was delivered by

ASHOK BHUSHAN, J.

1. Leave granted.

2. These three appeals have been filed against the common judgment dated 27.07.2020 of the High Court of Punjab and Haryana dismissing the Civil Writ Petition No.13496 of 2009 which was filed by the appellants in first two appeals. The third appeal, Sandeep Kumar and another is an appeal filed by the two appellants who were intervenors in the Civil Writ Petition No.13496 of 2009. The Division Bench of the High Court by the impugned judgment dismissed the writ petition upholding the promotion orders of all the respondent Nos.4 to 34 as Inspector in the Haryana Police.

3. Brief facts of the case necessary to be noted for deciding these appeals are:

The appointment and promotion in Police Force of the State of Haryana are governed by Punjab Police Rules, 1934. In the State of Haryana prior to 2001, 100% posts of Sub-Inspectors of Police used to be filled by way of promotion. Rule 12.3 was amended vide notification dated 24.12.2001 by substituting Rule 12.3 to the following effect:

"**12.3, Direct appointment of Inspectors and Sub-Inspectors –** Except as provided in rules 12.1 and 12.4 direct appointment shall not be made except in the rank of Inspector and Sub Inspector of Police. Such appointment in the rank of Inspector and Sub Inspector may be made up to a maximum of ten percent and fifty percent of posts respectively."

4. The first direct recruitment on the post of Sub-Inspector was held in the year 2003 in which recruitment all the three writ petitioners, Om Prakash, Sudeep Kumar Singh and Suresh Kumar were recommended for direct recruitment as Sub-Inspector. All the writ petitioners joined in May, 2003 as Sub-Inspector. The private respondents to these appeals who were arrayed as respondent Nos.4 to 34 in the writ petition were promoted to the rank of Sub-Inspector from Assistant Sub-Inspector between June, 2003 and March, 2004, i.e., after the writ petitioners had joined. The respondents were promoted on the post of Inspector by orders dated 27.11.2008, 18.05.2009 and 13.08.2009. The writ petitioners aggrieved by the above mentioned promotion orders filed Civil Writ Petition No.13496 of 2009 praying for following reliefs:

"i) Issue a writ in the nature of mandamus summoning the records of the cases.

ii) Issue a writ in the nature of certiorari quashing the order dated 27.11.2008 (Annexure-P-8), order dated 18.05.2009 (Annexure-P-9) and order dated 13.08.2009 (Annexure-P-10) whereby the private respondents have been promoted as Inspectors of Police;

iii) Issue a writ in the nature of certiorari quashing the confirmation order dated 30.06.2009 (Annexure P-2), order dated 15.06.2009 (Annexure P-3) and also order dated 30.06.2009 (Annexure P-4);

iv) Issue a writ in the nature of certiorari quashing the Rules 12.2, 12.8 and 13.18 of the Punjab Police Rules being ultra vires of Articles 14 and 16 of the Constitution of India.

v) Issue a writ in the nature of mandamus directing the official respondents to consider and promote the petitioner as Inspector with effect from the date the private respondents were promoted and directing the official respondents to grant all consequential reliefs that flow viz. seniority in the rank of Inspector, fixation of pay, payment of arrears of pay along with interest at the rate of 12 per cent per annum etc. etc.

vi) Issue any other suitable writ, order or direction as this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case may be issued."

5. The writ petition was contested both by the State as well as by the private respondents. It was pleaded on behalf of the State that the eligibility for promotion from the post of Sub-Inspector to Inspector is eight years' service of which five years' service should be as Sub-Inspector, none of the writ petitioners had to their credit eight years' service hence they being not eligible were not promoted. The writ petitioners were promoted in the year 2011 when they completed eight years of service to their credit. The State defended the vires of the Rules and contends that the Rules were neither arbitrary nor violative of Articles 14 and 16 of the Constitution. The High Court framed following two issues in the writ petition for consideration:

"(i) Whether Rule 13.14(2) prescribes the eligibility criteria for consideration for promotion to the post of Inspector ?

(ii) If the Rule 13.14(2) is applicable, whether the conditions of eight years experience is arbitrary and discriminatory and is, therefore, required to be struck down being violative of Article 16 of the Constitution ?"

6. The High Court after considering the submissions of the parties held that Rule 13.14(2) of the Punjab Police Rules, 1934 prescribes the eligibility criteria for consideration for promotion to the post of Inspector. The High Court also held that requirement of eight years' experience for promotion to the post of Inspector is neither arbitrary nor discriminatory. After recording the conclusion, writ petition was dismissed by the High Court. Aggrieved by the judgment of the High Court, the writ petitioners have filed first two appeals and the last appeal has been filed by the intervenors.

7. We have heard Shri P.S. Patwalia, learned senior counsel and Shri Shyam Divan, learned senior counsel appearing for the appellants. Shri Gurminder Singh, learned senior counsel, has appeared for the private respondents. Shri Nikhil Goel, learned Additional Advocate General has appeared for the State of Haryana.

8. Learned senior counsel for the appellants submits that the appellants/ writ petitioners were senior to the private respondents in the cadre of Sub-Inspector, and they being directly recruited before the respondents could be promoted as Sub-Inspector. They being seniors were entitled to be promoted on the post of Inspector as they have also completed five years' experience as Sub-Inspector. It is submitted that the High Court has wrongly relied on Rule 13.14 which Rule was not applicable for promotion to the post of Inspector from Sub-Inspector. It is submitted that the applicable Rules for promotion from the rank of Sub-Inspector to Inspector are Rules 13.1, 13.15 and 13.16 of Rules, 1934. Rule 13.14 covers a situation where a Sub-Inspector is being promoted to and in the Selection Grade of Sub-Inspector. The Government of Haryana vide its order dated 29.04.1987 has abolished the Selection Grade in all Groups B,C and D posts. The Sub-Inspector being a Group-C post, there was no question of promotion in Selection Grade of any Sub-Inspector after 29.04.1987. In fact, none of the private respondents were promoted in the Selection Grade so as to claim applicability of Rule 13.14. The selection criteria is contained in sub-rule (1) of Rule 13 and Rule 13.15. Sub-Rule (4) of Rule 13.15 does not deal with eligibility rather it deals with inter-se seniority. The Haryana Police (Non-Gazetted and Other Ranks) Service Rules, 2017 now provide, by Rule 7 read

with Appendix B that five years' service is required as Sub-Inspector for promotion to the post of Inspector. The position in Rules, 2017 clearly defeats the construction placed by the High Court requiring an eight years' qualifying period.

9. Shri Nikhil Goel, learned Additional Advocate General for the State of Haryana submits that requirement for promotion to the rank of Inspector has always been of eight years' of service. The said criteria has been followed ever since the State of Haryana was established in 1966 and even after selection grade was abolished in 1987. The requirement of eight years of service for promotion to the post of Inspector is clear from a conjoined reading of Rule 13.14 read with Rule 13.15(4) of Rules, 1934. Rule 13.14 of Rules, 1934 was never challenged in the writ petition but rather it was only the vires of Rule 12.2, 12.8 and 13.18 that were challenged. No reliance can be placed on Rules, 2017 which Rules have been notified after nine years of promotion of private respondents. Rule 13.14 is an integral and inalienable part of the scheme of the Rules governing promotion to the rank of Inspector. Without Rule 13.14, there cannot be any List F and without List F, no promotion can be made to the post of Inspector. The selection grades are in the nature of a promotional scale. Therefore, the criteria provided for promotion to selection grade can be taken as criteria for further promotion. The requirement and rationale of eight years of service for a Sub-Inspector is to discharge the higher responsibility of an Inspector. Rules, 1934 have always been interpreted so by the State and all promotions were affected till new Rules were enforced in 2017.

10. Learned counsel for the private respondents also adopts the submissions raised by Shri Nikhil Goel that impugned judgment of the High Court needs no interference by this Court.

11. Shri P.S. Narasimha, learned senior counsel, has also appeared for the private respondents. He, however, submits that he is not affected by the inter-se dispute between the writ petitioners and the private respondents. He submits that his clients have already been promoted as Deputy Superintendents of Police.

12. We have considered the submissions made by the learned counsel for the parties and perused the records.

13. From the submissions of the learned counsel for the parties and materials on record following two questions arise for consideration in these appeals:-

    (i) Whether the mode and manner of promotion in selection grade from rank of Sub-Inspector to Inspector as envisaged in Punjab Police Rules, 1934 has become redundant after issuance of Government Order dated 29.04.1987 by State of Haryana withdrawing the grant of selection grade to Group A, B and C employees?

    (ii) Whether the Rule 13.14 of Punjab Police Rules, 1934, which contemplate promotion to the various selection grades cannot be looked into while considering the promotion of a Sub-Inspector to the rank of Inspector and requirement of having at least eight years' approved service as an upper subordinate is no longer attracted for promotion of direct recruits Sub-Inspector?

14. Before we proceed to consider the respective submissions, we need to look into the statutory rules governing the promotion from the post of Sub-Inspector to Inspector. The statutory rules are Punjab Police Rules, 1934. The appellant's case is that only applicable rules for promotion from the rank of Sub-Inspector to Inspector are Rules 13.1, 13.15 and 13.16 of the Rules, 1934. We need to notice the aforesaid rules, which are to the following effect:-

    "**13.1.Promotion from one rank to another. -** (1) Promotion from one rank to another, and from one grade to another in the same rank shall be made by selection tempered by seniority. Efficiency and honesty shall be the main factors governing selection. Specific qualifications, whether in the nature of training courses passed or practical experience, shall be carefully considered in each case. When the qualifications of two officers are otherwise equal, the senior shall be promoted. This rule does not affect increments within a time-scale.

    (2) Under the present constitution of the police force no lower subordinate will ordinarily be entrusted with the independent conduct of investigations or the independent charge of a police station or similar unit. It is necessary, therefore, that well-educated constables, having the attributes necessary for bearing the responsibilities of

upper subordinate rank, should receive accelerated promotion so as to reach that rank as soon as they have passed the courses prescribed for, and been tested and given practical training in, the ranks of constable and head constable.

(3) For the purposes of regulating promotion amongst enrolled police officers six promotion lists - A, B, C, D, E, and F will be maintained.

Lists A, B, C and D shall be maintained in each district as prescribed in rules 13.6, 13.7, 13.8 and 13.9 and will regulate promotion to the selection grade of constables and to the ranks of head constables and Assistant Sub- Inspector. List E shall be maintained in the office of Deputy Inspector- General as prescribed in sub-rule 13.10(1) and will regulate promotion to the rank of Sub-Inspector. List F shall be maintained in the office of the Inspector-General as prescribed in sub-rule 13.15(1) and will regulate promotion to the rank of Inspector.

Entry in or removal from A, B, C, D or E lists shall be recorded in the order book and in the character roll of the police officer concerned. These lists are nominal rolls of those officers whose admission to them has been authorised. No actual selection shall be made without careful examination of character rolls.

Provided that five per cent of such promotions may be made from amongst the members of the Police Force, who achieve outstanding distinction in sports field at All India level or International level if they are otherwise eligible for promotion but for seniority.

13.15. List F - Promotion to Inspectors. - (1) Recommendations on behalf of Sergeants and Sub-Inspectors considered fit for promotion to the rank of Inspector shall be submitted with their annual confidential reports on the 15th April each year to Deputy Inspector-General by Superintendents of Police in Form 13.15(1). Recommendations on behalf of Sergeants and Sub-Inspectors employed in the Government Railway Police will be sent direct to the Inspector-General of Police by the Assistant Inspector-General, Government Railway Police, in the same form and not later than October each year. The Deputy Inspector-General shall decide, after seeing the officers recommended, and in consideration of their records, and his own knowledge of them, whether to endorse the

recommendations of Superintendents of Police and forwarded them to the Inspector-General. He will keep a copy of any recommendation so forwarded in the personal file of the officer; if he decides not to endorse a recommendation, he shall retain the original in the officer's personal file and send a copy of his own order on it to the Superintendent concerned. Deputy Inspector-General shall finally submit recommendations to the Inspector-General as soon as they are satisfied as to the fitness of officers recommended, but in no case later than October each year.

(2) Such of the officers recommended as the Inspector-General may consider suitable shall be admitted to promotion list 'F' (form 13.15(2) which will, however, not be published. Deputy Inspectors-General shall be informed, and shall in turn inform the Superintendents concerned, of the names of those who have been admitted to the List; similar information will be sent to the Assistant Inspector-General, Government Railway Police.

The original personal files of Sub-Inspectors admitted to the list shall be transferred to the Inspector-General after duplicates have been prepared for retention in the office of the Deputy Inspector-General or the Assistant Inspector-General, Government Railway Police, as required by Rule 13.38(1). Copies of all subsequent annual confidential reports prepared in form 13.17 in respect both of Sergeants and Sub-Inspectors admitted to the list will, on return by the Inspector-General in accordance with rule 13.17(1), be recorded by Deputy Inspectors-General or the Assistant Inspector-General, Government Railway Police, with the duplicate personal files of the officers concerned. Copies of all entries ordered to be made in personal files other than annual confidential reports will be forwarded to the Inspector-General as soon as made for record with the original personal files; all such copies shall be attested by the Deputy Inspector-General or the Assistant Inspector General, Government Railway Police, personally.

(3) When submitting recommendations for the entry of fresh names in List F, Deputy Inspectors-General and the Assistant Inspector-General, Government Railway Police, will at the same time submit specific recommendations (which need not be accompanied by detailed confidential reports) as to the retention or removal of officers

already admitted to the list. On receipt of these recommendations, the Inspector-General will review the Provincial List, and pass orders regarding the retention or exclusion of names, at the same time communicating his decision to the Deputy Inspector-General and the Assistant Inspector-General, Government Railway Police.

(4) Sub-Inspectors admitted to List 'F' will be placed in that list in order according to their date of permanent promotion to selection grade, and, if the date of permanent promotion to selection grade is the same in the case of two or more Sub-Inspectors admitted to list 'F' on one and the same date, then according to date of permanent promotion to the time-scale. Sergeants will be shown in list 'F' according to the date of entry in the list. When, however, two or more Sergeants are admitted to list 'F' on the same date, their names will be shown in order of seniority among themselves.

13.16. Promotion to the rank of Inspector. - (1) Substantive vacancies in the rank of Inspector, save those which are specially designated for the appointment of probationers shall be filled by promotion of officers from list F selected according to the principles laid down in rule 13.1. Sergeants are eligible for promotion in the appointments reserved for European Inspectors.

(2) Temporary vacancies in the rank of Inspector shall be filled by the officiating promotion of officers on F list by the authorities empowered by rule 13.4 to make the appointment. Such officiating promotions shall be made in accordance with the principles laid down in sub-rule 13.12(1) in the case of E list, and the second part of that rule shall, mutatis mutandis, govern the scrutiny of the work of F list officers and the removal from that list of the names of those who are found unfit for the rank of inspector.

(3) No officer whose name is not on F list shall be appointed to officiate as Inspector without the special sanction of the Inspector-General. When no officer on F list is available in the range for a vacancy which the Deputy Inspector-General is required to fill, application shall be made to the Inspector-General to appoint a man from another range."

15. On the other hand, the respondents placed reliance on Rule 13.14, which is to the following effect:-

"**13.14. Promotions to and in the selection grades of Sub-Inspectors.** - (1) Promotion to the various selection grades of Sub-Inspectors shall be made by Superintendents of Police and the Assistant Superintendent, Government Railway Police, as vacancies in the sanctioned establishment of such appointments occur in accordance with the principle laid down in Rule 13.1.

(2) No Sub-Inspector shall be considered eligible for promotion to a selection grade unless he has at least eight years' approved service as an upper subordinate, of which at least five shall have been in the rank of Sub- Inspector, and unless he is thoroughly efficient and competent to hold charge of a police station of first class importance. No Sub-Inspector who has been punished by reduction, stoppage of increment, or forfeiture of approved service for increment, shall be eligible for promotion to a selection grade. Exceptions to this rule may be made only with the sanction of the Inspector- General in recognition of distinguished service and exemplary conduct.

(3) Sub-Inspectors promoted to the 4th selection grade shall be on probation for one year and may be reverted without formal departmental proceedings during or on the expiry of the period of their probation if they fail to maintain an exemplary standard of conduct and efficiency.

Provided that the competent authority may, if it so thinks fit in any case, extend the period of probation by one year in the aggregate and pass such orders at any time during or on the expiry of the extended period of probation as it could have passed during or on the expiry of original period of probation."

16. We may now notice the Government Order dated 29.04.1987 issued by the State of Haryana, which communicates the decision of the State Government that "the present system of selection grades as it exists for the employees of Groups B, C & D has been discontinued". The effect of the G.O. dated 29.04.1987 was that there was no entitlement of a Sub-Inspector or any police personnel belonging to Group C to claim selection grade. The statutory Rule 13.1 provides that promotion from one rank to another and from one grade to another in the same rank shall be made by selection tempered by seniority. The use of expression "specific qualifications whether in the nature

of training courses passed or practical experience, shall be carefully considered in each case" indicate that qualifications for promotion are not contained in Rule 13.1 and they have to be found out from other part of the Rules. Rule 13.1 governs both promotions, from one rank to another, and from one grade to another. Thus, Rule 13.1 regulates promotion within the grade and from one grade to another. Rule 13.14 contains the heading "promotions to and in the selection grades of Sub-Inspectors". Rule 13.14(2) provides that no Sub-Inspector shall be considered eligible for promotion to a selection grade unless he has at least eight years' approved service as an upper subordinate, of which five years shall have been in the rank of Sub-Inspector. Now, coming to Rule 13.15 which deals with "List F-Promotion to Inspectors", Rule 13.15(1) deals with recommendations on behalf of Sub-Inspectors considered fit for promotion to the rank of Inspector to be submitted with their annual confidential reports on the 15th April each year to Deputy Inspector-General by Superintendents of Police in Form 13.15(1).

17. Rule 13.15(4) provides that Sub-Inspectors admitted to List 'F' will be placed in that list in order according to their date of permanent promotion to selection grade. Thus, date of permanent promotion to selection grade is criteria which was required to be followed for promotion to Inspector and as required by Rule 13.14(2) no Sub-Inspector shall be considered eligible for promotion to a selection grade unless he has at least eight years' approved service as an upper subordinate, of which at least five years shall have been in the rank of Sub-Inspector.

18. Thus, promotion to selection grade of a Sub-Inspector was pre-condition for including the name of a Sub-Inspector in List 'F' which is a list from which promotion to Inspector was to be made. Even though scheme of grant of selection grade was done away by the State vide its common order dated 29.04.1987, the exercise of promotion to Inspector from Sub-Inspector even after 29.04.1987 was done on the basis of requirement of Rule 13.14(2), i.e., names of only those Sub-Inspectors were included in List 'F' who have eight years of approved service as an upper subordinate to their cadre. The promotion to selection grade was contemplated under the Rules by following eligibility and criteria as laid down in the Rules. The

submission of the respondents is that after the State Government withdrew the scheme of selection grade by the Government order dated 29.04.1987 all statutory provisions regarding grant of selection grade became redundant. Even if no selection grade was to be provided to any of the personnel of the Police force after 29.04.1987, the criteria which was adopted for in rank promotion was followed by the State for promotion to the next rank. The Rules contained in Chapter XIII have to be given a conjoint and meaningful reading to advance object and purpose of the Rules. The Rules provided a mode and manner for assessment of an official to move forward by means of a grant of selection grade and thereafter by the next step on the next rank. The criteria in the Rules for assessing a person that he was entitled for grant of selection grade cannot be said to be meaningless with no purpose after withdrawal of the selection grade. The grant of selection grade, in the rank in which Police official was there, is a step for making eligible officer to move to the higher rank. Can the argument be accepted that promotion of Sub-Inspector to Inspector has been on the basis of seniority alone? Whether there shall be no cap of experience when a Sub-Inspector is considered to be promoted to next higher rank in grade, i.e., Inspector? If we accept the submission of the counsel of the respondents that the requirement as contained in Rule 13.14(2) is no longer applicable after withdrawal of selection grade, there will be no requirement of any experience to any Sub-Inspector for becoming an Inspector which was never the intendment of the statutory Rules. For promotion to Sub-Inspector to selection grade eight years' approved service was contemplated which was with intent that sufficient experience is gained by a Police personnel to be considered for promotion to Inspector who is to man a Police Station and has to discharge other important functions. It is relevant to notice that no amendments in the statutory Rules were made after 29.04.1987 and even after notification was issued dated 24.12.2001 substituting Rule 12.3. The case of the State before the High Court and before this Court is that even after 29.04.1987 till 2017 Rules were enforced, all Sub-Inspectors, including direct and promotees were uniformly dealt with by insisting the requirement of eight years' approved service as the upper subordinate for the purposes of inclusion of their names in List 'F'.

19. The selection grades are in the nature of promotional scale, therefore, the criteria provided for promotion to selection grade can very well be taken as criteria for further promotion which is the spirit of the Rules followed uniformly by the State while effecting the promotion. The object and purpose of the Rules and methodology for evaluating the Police personnel to move in the higher rank in the same or to the next rank cannot be lost sight nor can be ignored merely because the scheme was withdrawn on 29.04.1987. No error has been committed by the State in continuing the evaluation of the Sub-Inspectors on the basis of criteria as provided in Rule 13.14 while effecting promotion.

20. This Court has laid down time and again that while construing statutory Rules such construction should be adopted which may give effect to the intention or object of the Rule and no such interpretation be put which may make the Rule ineffective. We may refer to the judgment of this Court in **State of Gujarat and Another vs. Justice R.A. Mehta (Retired) and Others, (2013) 3 SCC 1,** where this Court laid down following in paragraphs 96, 97 and 98:

"96. In the process of statutory construction, the court must construe the Act before it bearing in mind the legal maxim *ut res magis valeat quam pereat* which means it is better for a thing to have effect than for it to be made void i.e. a statute must be construed in such a manner so as to make it workable. Viscount Simon, L.C. in *Nokes* v. *Doncaster Amalgamated Collieries Ltd.* [1940 AC 1014 : (1940) 3 All ER 549 (HL)] stated as follows: (AC p. 1022)

> "… if the choice is between two interpretations, the narrower of which would fail to achieve the manifest purpose of the legislation, we should avoid a construction which would reduce the legislation to futility and should rather accept the bolder construction based on the view that Parliament would legislate only for the purpose of bringing about an effective result."

97. Similarly in *Whitney* v. *IRC* [1926 AC 37 (HL)] it was observed as under: (AC p. 52)

> "… A statute is designed to be workable, and the interpretation thereof by a court should be to secure that object, unless crucial omission or clear direction makes that end unattainable."

98. The doctrine of purposive construction may be taken recourse to for the purpose of giving full effect to statutory provisions, and the courts must state what meaning the statute should bear, rather than rendering the statute a nullity, as statutes are meant to be operative and not inept. The courts must refrain from declaring a statute to be unworkable. The rules of interpretation require that construction which carries forward the objectives of the statute, protects interest of the parties and keeps the remedy alive, should be preferred looking into the text and context of the statute. Construction given by the court must promote the object of the statute and serve the purpose for which it has been enacted and not efface its very purpose. "The courts strongly lean against any construction which tends to reduce a statute to futility. The provision of the statute must be so construed as to make it effective and operative." The court must take a pragmatic view and must keep in mind the purpose for which the statute was enacted as the purpose of law itself provides good guidance to courts as they interpret the true meaning of the Act and thus legislative futility must be ruled out. A statute must be construed in such a manner so as to ensure that the Act itself does not become a dead letter and the obvious intention of the legislature does not stand defeated unless it leads to a case of absolute intractability in use. The court must adopt a construction which suppresses the mischief and advances the remedy and "to suppress subtle inventions and evasions for continuance of the mischief, and *pro privato commodo*, and to add force and life to the cure and remedy, according to the true intent of the makers of the Act, *pro bono publico*". The court must give effect to the purpose and object of the Act for the reason that legislature is presumed to have enacted a reasonable statute. (Vide *M. Pentiah* v. *Muddala Veeramallappa* [AIR 1961 SC 1107] , *S.P. Jain* v. *Krishna Mohan Gupta* [(1987) 1 SCC 191 : AIR 1987 SC 222] , *RBI* v. *Peerless General Finance and Investment Co. Ltd.* [(1987) 1 SCC 424 : AIR 1987 SC 1023], *Tinsukhia Electric Supply Co. Ltd.* v. *State of Assam* [(1989) 3 SCC 709 : AIR 1990 SC 123] , SCC p. 754, para 118, *UCO Bank* v. *Rajinder Lal Capoor* [(2008) 5 SCC 257 : (2008) 2 SCC (L&S) 263] and *Grid Corpn. of Orissa Ltd.* v. *Eastern Metals and Ferro Alloys* [(2011) 11 SCC 334] .)"

21. The principle of construction of statutory Rules as laid down above would apply to the interpretation of Punjab Police Rules, 1934. We are of the opinion that the High Court did not commit any error in construing the Rules in the manner as was construed by the High Court. We endorse the view of the High Court interpreting the Punjab Police Rules, 1934. Chapter XIII of the Rules have to be conjointly and harmoniously construed and when we construe Rules 13.1, 13.14 and 13.15, we do not find any error in State promoting the Sub-Inspectors to Inspectors who have eight years' approved service to their credit, at least five years being as Sub-Inspectors. Thus, the High Court has rightly upheld the promotion orders of private respondents. No ground is made out to interfere with the judgment of the High Court in these appeals. The appeals are dismissed.

Headnotes prepared by: Devika Gujral

Result of the case:
Appeals dismissed.