

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Case No. : C. W. P.No. 22379 of 2012

Reserved On : August 10, 2015

Pronounced On : 17.08.2015

EHC Ashok Kumar and others Petitioners

vs.

State of Haryana and others Respondents

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL.

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To be referred to Reporters or not ?

Whether the judgment should be reported in the digest ?

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Present : Mr. Yogesh Saini, Advocate
for the petitioners.

Mr. Harish Rathee, Senior DAG, Haryana.

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DEEPAK SIBAL, J. :

Through the present petition, the petitioners seek consideration of their cases for promotion to the posts of Head Constables.

There is no controversy so far as the factual aspects are concerned, and therefore, need to be noticed in brief.

The petitioners were enrolled as Constables on different dates in District Karnal. For the purpose of better Policing, the State of Haryana

is divided into different Police Ranges. At the time of their enrollment, District Karnal fell in Rohtak Range and as Constables of that Range, vide order dated 26.10.2010, the petitioners were included in List B-1, which was a list prepared of all eligible candidates for being sent to the Lower School Course. On the basis of such inclusion, they were deputed for undergoing the Lower School Course, which was for the duration from 01.03.2011 to 02.12.2011. On the declaration of the results of the Lower School Course on 26.02.2012, all the petitioners were declared to have passed the same.

In the meanwhile, on 29.09.2011, the Police Ranges in the State of Haryana were restructured. After the restructuring, District Karnal now fell under a newly created Range i.e. Karnal Range. As the petitioners had been enrolled in District Karnal, they were allocated to Karnal Range. The Constables, who had undertaken the Lower School Course along with the petitioners, but even after the creation of the new Range, continued to serve in the Rohtak Range, after being brought on list C-1 as per rules, were promoted to the posts of Head Constables as per their seniority in that Range. The petitioners, claiming parity with them, have approached this Court through the present petition for the relief as referred to above.

I have heard learned counsel for the parties and with their able assistance, have also gone through the record of the case.

It is not disputed that the seniority of Constables, for being promoted to the posts of Head Constables, is as per list C-1, which is

maintained at the Range level. It is further not disputed that the allocation of the petitioners to Karnal Range, which happened way back in September 2011, has been accepted by them. It is further the admitted case between the parties that no person, junior to the petitioners in Karnal Range, has been promoted to the post of Head Constable. The petitioners have been assigned seniority as per the policy decision taken by the State of Haryana, while reconstructing the Police Ranges in the State, for better administration. The policy instructions, pertaining to the grant of seniority, also remained unchallenged by the petitioners.

List C-1 pertaining to Karnal Range, which contain the names of the petitioners and which forms the basis for promotion to the posts of Head Constables, was made after the petitioners had been allocated to the Karnal Range.

In view of the above admitted position, the case of the petitioners has no legs to stand. The petitioners cannot claim discrimination qua Constables, who now stood allocated to a different range as they, before being promoted as Head Constables, were borne on list C-1 of that range. Once the petitioners have not challenged their allocation to Karnal Range, as per the policy of Government of Haryana, they cannot be allowed to claim promotion seeking parity with their erstwhile colleagues, who now belong to a separate Range, especially when it is the admitted case of the parties that list C-1, on which the promotions are borne and which governs the promotion to the posts of Head Constables was made for Karnal Range

after the bifurcation of the Police Ranges in the State of Haryana and that nobody junior to the petitioners from List C-1, as maintained in Karnal Range, has been promoted.

The argument of the counsel for the petitioners, that since the petitioners and their erstwhile colleagues in Rohtak Range had undergone the Lower School Course together, on their promotions, the petitioners also need to be promoted, is an argument, which needs to be considered only to be rejected as passing of the Lower School Course is a mere eligibility for being placed in list C-1.

In view of the above, finding no merit in the present writ petition, the same is ordered to be dismissed.

No costs.

(DEEPAK SIBAL)
JUDGE

Pronounced On : 17.08.2015

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