

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

Date of decision: 31.08.2016

CWP No.1019 of 1996

HC Ranbir Singh Balhara

...Petitioner

Vs.

State of Haryana & others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: None for the petitioner.

Ms. Shruti Jain Goel, AAG, Haryana.

RAJIV NARAIN RAINA, J. (ORAL)

Two substantial prayers made in the petition are as follows:

- “(i) issue a writ in the nature of mandamus directing the respondents to allow the petitioner to join his duties at the district office at Sirsa in compliance with the order of the Director General of Police dated 06.06.1995 with further prayer to direct the respondents to make the payment of the salary to the petitioner upto date; &
- (ii) issue a further direction to the respondents to consider the promotion case of the petitioner to the higher ranks and enlistment on list D and E with all other consequential reliefs, in view of the judgment in CWP No.666 of 1991 decided on 29.04.1991.”

As far as the first prayer is concerned, that has apparently been rendered infructuous by sheer passage of time. The reason for this is not far

to see as reflected in the interim order dated 29.01.1996 passed by the Division Bench of this Court at the motion stage. By the interim order, the petitioner was permitted to join at Sirsa. The order was complied with in deference to the order. Ms. Goel informs the Court that the petitioner retired from service on 30.04.2016 in the rank of Inspector of Police in the police Department of the State of Haryana.

With respect to the second prayer praying for writ, order or directions to the respondents to consider the case of promotion of the petitioner to the higher ranks and enlistment of List D & E with all other consequential reliefs while relying upon the judgment in CWP No.666 of 1991 decided on 29.04.1991 is concerned, the petitioner appears to have no case since the petitioner belonged to the Haryana Armed Police (HAP), where his seniority was maintained. On deputation with the Police Training College, Madhuban, Karnal a Police Officer maintains his seniority in his parent department/unit only and in no way, his position improves when he is on deputation. He gets the benefit of passing the Intermediate School Course and Upper School Course according to his seniority in the parent unit alone and he is not considered as meritorious or superior to his seniors in the unit/cadre for reason of his having passed the promotion courses by a method other than by way of seniority and no such training vests any vested right in that Police Officer to claim any promotional benefits prior to his senior. The very practice of sending deputationists to promotional courses was deprecated and put to an end by this Court in LPA No.792 of 1992 arising out of CWP No.12369 of 1991 titled 'HC Ram Phool & others Vs. State of Haryana & others', which ultimately was decided by the Full Bench holding that no person including the deputationists with Police Training College can be sent to the promotional courses out of turn. In the past, the

method was resorted to as an incentive, but that is no longer possible to support. If the petitioner's seniority has to be maintained in his parent department at the rank claimed in the petition, he would have no right to further promotions on the basis of List D & E to the higher rank outside his parent department/unit. In the written statement filed by the State it is given out that the petitioner would be placed in List D as per seniority in the HAP, Madhuban.

In this line of reasoning supported by Rules, the police Department refers to Rule 13.1 of the Punjab Police Rules, 1934 as applicable to Haryana, which governs promotion amongst the enrolled police officers for which six promotion lists are maintained. Lists A to E are maintained in each district, as prescribed in Rules 13.6, 13.7, 13.8 & 13.9 and regulate promotion to the ranks of Head Constables and Assistant Sub Inspectors. List E is maintained in the office of the Deputy Inspector General of Police, as prescribed in sub-Rule 13.10(1) and regulates promotion to the rank of Sub Inspector and List F is maintained in the office of the Inspector General of Police/Director General of Police as prescribed in sub-Rule 13.15(1) and regulates promotion to the rank of Inspector of Police. Entry to Lists C, D & E is made on passing of the Lower School Course, Intermediate School Course and Upper School Course respectively, as these are promotional courses in which the enrolled police officers are taken on deputation from different units like Haryana Armed Police and the District Police.

In view thereof, it is not possible to grant any relief to the petitioner in either of the two prayers and the petition is found devoid of merit. Consequently, the same is dismissed.

However, the petitioner will have liberty to make an application to revive this petition in case he has any other thing to say on rights which may have accrued by passage of time and then he would be free to apply for further orders for sufficient reasons shown to the satisfaction of the Court.

A copy of this order be sent by the office to the petitioner since he is not represented despite notice issued to Mr. R.K.Hooda, Advocate, for the petitioner, who has not turned up at the hearing today. The order would be sent also by the respondent department to the petitioner since he must be a pensioner at the address known.

31.08.2016
Vimal

[RAJIV NARAIN RAINA]
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>
<i>Whether Reportable:</i>	<i>No</i>