

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Civil Writ Petition No.3595 of 2013

Date of Decision: May 17, 2016

ASI Vinod Kumar and othersPetitioners

versus

State of Haryana and othersRespondents

**CORAM:HON'BLE MR.JUSTICE SURYA KANT.
HON'BLE MR.JUSTICE A.B.CHAUDHARI.**

Present: Mr.Sanjeev Pandit, Advocate, for the petitioners.
Ms.Kirti Singh, Deputy Advocate General, Haryana.

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1. Whether Reporters of Local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Surya Kant, J. (Oral)

The petitioners are working in the Executive Clerical Police Cadre. They are presently posted in Ambala/Panchkula range. There were unending disputes re: fixation of lien and seniority amongst members of the General Police Cadre and the Executive Clerical Police Cadre. The Director General of Police, Haryana, therefore, constituted a Committee comprising three officers in the rank of Commissioner of Police and Inspector General of Police. There was yet another Committee of six such officers. The Committee deliberated on the issue and made certain recommendations for assigning the lien in different districts within one rank and fix their consequential seniority at Commissionerate level.

[2] Those recommendations appears to have been accepted by the Director General of Police, resulting into devising of new norms for “lien and seniority” of the police officials (P-5) which is under challenge by the petitioners.

[3] The grievance of the petitioners is that they are working in the Executive Clerical Police Cadre much before the new criteria for assignment of 'lien' or 'seniority' was devised, hence they are entitled to maintain seniority based upon length of service in Executive Clerical Police Cadre. They are also alleging discrimination and conflicting policy decisions in respect of different Commissionerates/Ranges.

[4] We have heard learned counsel for the parties. The matter involves a policy decision affecting the conditions of service, seniority or promotional avenues of members of the police force especially those who are in Executive Clerical Police Cadre.

[5] It appears to us that though the power to take policy decision in such like matters essentially lies with the Executive/Competent Authority, nevertheless, such policy decisions ought to be based upon a uniform criteria so that it can be enforced in a non-discriminatory manner to prevent any heart-burning amongst the police personnel.

[6] The policy decision under challenge can also be revisited to prescribe uniform criteria for all the Ranges/Commissionerate. Such an exercise also has to be undertaken by the policy-makers only, namely, the administrative authorities. It is not

necessary for this Court to embark upon the controversy and determine the seniority dispute of every individual. Since we have laid emphasis on the uniformity of the Policy, we dispose of this writ petition with a direction to the Additional Chief Secretary, Home Department, Haryana, to convene a joint-meeting of the stake-holders including the Commissioners of Police/Inspector General of Police of different ranges and re-visit/re-modulate the policy, if need be, to ensure that it satisfies the test of Articles 14 & 16 of the Constitution of India. An appropriate decision in this regard shall be taken within a period of six months from the date of receiving a certified copy of this order.

[6] The view-point of the aggrieved persons like the petitioners may also be taken into consideration while taking the above-stated decision.

[7] Dasti.

**[SURYA KANT]
JUDGE**

May 17, 2016
mohinder

**[A.B.CHAUDHARI]
JUDGE**