

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

COCP No.2433 of 2016

Date of Decision: 15.05.2017

Inder Pal and others

....Petitioners

Versus

Shri Ram Niwas, IAS and another

....Respondents

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. Namit Kumar, Advocate
for the petitioners.

Mr. Lokesh Sinhal, Addl. A.G., Haryana.

DAYA CHAUDHARY, J. (ORAL)

Learned counsel for the petitioners submits that the petitioners have sought directions to the respondents to implement the letter dated 11.10.2006 as the petitioners were initially appointed as Constables-Computer Operators/Draftsman etc. It was their grievance that DGP sent the case of technically qualified persons, like the petitioners, to the Financial Commissioner and Principal Secretary to Government of Haryana, Department of Home for creation of separate promotional avenues, however the same was sent back to DGP with the remarks that it would require amendment in the Rules to enable promotional avenues for technically qualified persons. Vide memo dated 05.02.2007, issued by the DGP, Haryana, it was conveyed that the Constables, who were recruited as technical Constables and were having qualification of Diploma from ITI/Polytechnic etc. i.e., Computer Operators, Draftsmen and Motor

Mechanics etc. are not entitled for promotion against the general duty posts of Head Constables and some technical Constables, who were promoted to the post of Head Constables were ordered to be reverted.

After issuing notice of motion in the writ petition and on the statement made by the respondents, that some more time was required to finalize the Draft Haryana Police Rules, 2011 and it will be done within a short time. Accordingly, the writ petition was disposed of with a direction to the Additional Chief Secretary, Department of Home, Haryana, to finalize the Draft Haryana Police Rules, 2011 within a period of six months from the date of passing of order i.e 03.03.2014.

When said order was not complied with, the contempt petition was filed. On 11.11.2016, respondent No.1 was present in the Court and stated that the new draft rules named as the Haryana Police Service Rules, 2016 have been approved by the Chief Minister, Haryana and now it is awaiting for the approval of the Cabinet. On 03.02.2017, it was specifically mentioned that Rules, which have been placed on record by learned State counsel, are totally different as Haryana Police Service Rules, 2016 have been stated to be approved by the Chief Minister. Thereafter, the respondent-State was directed to file an additional affidavit of respondent No.1 within a period of four weeks to show as to why the order passed by this Court on 11.11.2016 has not been complied with.

An affidavit has been filed by respondent No.1, wherein, a contradictory stand has been taken to the stand, which was mentioned in the order passed on two dates i.e 11.11.2016 and 03.02.2017. Not only the delay has been caused in complying with the order within a period of four months but the grievance of the petitioners, which has been claimed in the

writ petition, has not been considered.

A perusal of affidavit filed on 12.05.2017 shows that nothing has been mentioned as to which draft rules in favour of the petitioners have been notified or approved.

If any exercise has been done, which may or may not be in favour of the petitioners, be conveyed to them within a period of four weeks from date of receipt of order of this Court so that the petitioners come to know as to how their case has been considered in pursuance of directions issued in the writ petition. In case, any communication is sent to the petitioners within a period of four weeks, the petitioners are at liberty to challenge the same. In case, the petitioners are still aggrieved in any manner or non-compliance of directions already issued in the main writ petition are there, they are at liberty to avail the appropriate remedy or to move an application for recalling of order.

15.05.2017
gurpreet

(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	Yes