

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

LPA No.1237 of 2015 (O&M)

Date of Decision: 24.01.2017

Savitri Devi

... Appellant

VS.

State of Haryana & Ors.

... Respondents

**CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR.JUSTICE SUDIP AHLUWALIA**

Present: Dr. SK Redhu, Advocate for the appellant(s)

Mr. Ravi Dutt Sharma, DAG Haryana

SURYA KANT, J. (Oral)

(1) The appellant joined the Haryana Police as a Constable on 25.11.1981 and was in due course of time promoted as Head Constable and then as Assistant Sub Inspector on 21.03.1992. She was further promoted as Sub Inspector in Hisar Range w.e.f. 20.03.2008.

(2) It is an admitted fact that the seniority upto the rank of Sub Inspector is maintained range-wise as per the Rules and the appellant's seniority in different ranks was also fixed in Hisar Range which is her parent cadre.

(3) The seniority list in the next rank as Inspectors is at the State level and all Inspectors promoted from different ranges are put together as per the dates of their promotions. The grievance of the appellant is that the Director General of Police, Haryana created some posts of Sub Inspectors and Inspectors in August, 2007 but the Hisar Range did not make immediate promotions against the newly sanctioned posts. Rather the appellant was promoted as Sub Inspector in March, 2008 whereas her juniors in other Ranges, especially in Rohtak Range, got such promotions

prior to her. Resultantly, in the State-level seniority list after the

appellant has been promoted as Officiating Inspector in 2016, she has become junior to several such Sub Inspectors/Inspectors of other Ranges.

(4) Learned Single Judge has turned down the appellant's claim giving rise to this Letters Patent Appeal.

(5) We have heard learned counsel for the parties and gone through the record.

(6) It is revealed that earlier the appellant was transferred from Hisar Range to Rohtak Range and taking advantage of her seniority in Rohtak range, she was promoted as Officiating Sub Inspector in 2001. Subsequently, her transfer to Rohtak Range was cancelled and she was reverted to her parent cadre, namely, Hisar Range. That action of the authorities was challenged by her in a writ petition which came to be dismissed on 04.12.2006. That matter has attained finality.

(7) The short question which falls for our consideration is whether the appellant can compare her seniority with those who belong to different Ranges other than Hisar Range?

(8) In our considered view, the appellant's claim is wholly misconceived and contrary to the Rules. The appellant's seniority has to be determined in Hisar Range and admittedly no person junior to her in Hisar Range has been promoted as Sub Inspector or Inspector before her. The seniority or availability of promotional posts in Rohtak Range has no bearing on the determination of seniority in Hisar Range. It is quite possible that in one Range more vacancies are available as compared to other Ranges and in such case, it would be an incidence of service that the officials in a Range would get quick promotion as compared to those who are in other Ranges. Such like coincidence would not entitle the

appellant to claim seniority or promotion at par with those of Rohtak Range on the premise that if seniority is determined as per the dates of appointment, the appellant would rank senior to them.

(9) No case to interfere with the order of learned Single Judge is made out.

(10) Dismissed.

(Surya Kant)
Judge

24.01.2017
vishal shonkar

(Sudip Ahluwalia)
Judge

1. *Whether speaking/reasoned?*
2. *Whether reportable?*

Yes / No
Yes / No