

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

CWP No.14010 of 2013 (O&M)

Date of Decision:11.07.2018

Sanjay Kumar

.....Petitioner

Vs.

State of Haryana and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr.Rajesh Goyal, Advocate, for the petitioner.

Mr.Hitesh Pandit, Addl.A.G, Haryana.

RITU BAHRI, J. (ORAL)

The petitioner is seeking directions to the respondents to depute him to undergo training of Lower School Course after including him name in List B-1 under 35% category as per amendment dated 28.06.2001 in the Punjab Police Rules, 1934 and in view of the judgment in the case of Balraj Singh and others Vs. State of Haryana and Varinder Singh Vs. State of Haryana.

The brief facts of the case are that the date of birth of the petitioner is 15.03.1966. He was enrolled as Constable on 20.09.1989. In the year 2001-02, the case of the petitioner was not considered for deputing him to the Lower School Course after including him name in the List B-1 under 35% category or otherwise. However, on 28.06.2001, the Punjab Police Rules, 1934, were amended. As per the said amendment, 55% seats have been reserved for including names of constables in List-B on the basis of performance test 35% posts have been reserved on the basis of seniority-cum-fitness and 10% on the basis of consistent outstanding performance in

job/obtaining gold/silver medal in All India Police Games etc. or exceptional display of bravery during the course of performance of duty. The norms thus have been fixed and accordingly, the candidates are selected under three different categories. The present writ petition is being filed with regard to 35% quota wherein the claim of the petitioner on the basis of seniority-cum-fitness has not been considered and he has not been deputed to the Lower School Course in spite of the fact that the petitioner was not eligible but he was senior to some of the constables i.e. Nasib Singh, Ram Bhaj, Jasmail, Nafe Singh, Ramesh, Naresh, Sukhbir and some other constable.

In compliance with the order dated 25.09.2017, learned State counsel has filed additional affidavit of DSP, Panchkula, which transpires that B-1 Selection under 35% quota from the year 2002 to 2010 against the seats allotted to Panchkula by the Director General of Police, Haryana. The Review Committee reviewed the selection of candidates for the year 2002-2010 as per seniority cum fitness against seats allotted year wise and refixed their seniority as the criteria for selecting the candidates were challenged in this Court by way filing writ petition i.e. CWP No.7952 of 2014 titled Naresh Kumar Vs. State of Haryana. The case of the petitioner was re-considered for deputing in Lower School Course under 35% seniority cum-fitness quota, it was found that his name stands in the year 2008, but he had already become overage on 01.01.2007 and therefore not eligible for deputing in Lower School Course.

Learned counsel for the petitioner has referred to the judgment passed by the Co-ordinate Bench of this Court in the case of EASI Satyawan Vs. State of Haryana and others in which petitioner had approached this

that his junior was sent for the said course prior to him which was against the rules. It is stated that that no LPA has been filed against the said writ petition. By relying on the ration of law laid down in Balraj Singh and others Vs. State of Haryana and others, 2009(2) RSJ 463, the petitioner claims the same relief for being deputed in the Lower School Course and for assigning seniority from the date his junior was so detailed.

As per order R-1 dated 09.10.2017, some employees i.e. Constable Mohan Lal, Constable Sohan Singh and HC Ram Bhja, of the same Department who passed LSC in compliance of decision of the writ petitions filed by them who were overage at the time filing of writ petition. Petitioner's case has been rejected on the ground that his name stands in the year 2008, but he had already become overage on 01.01.2007 and therefore not eligible for deputing in Lower School Course.

Keeping in view above referred judgments and the fact that no LPA has been filed in the case of EASI Satyawar (Supra), present writ petition is allowed and respondents are directed to consider the case of the petitioner for deputing him to undergo training of Lower School Course after including his name in List B-1 under 35% category as per amendment dated 28.06.2001 in the Punjab Police Rules, 1934 with all consequential benefits within a period of two months from the date of receipt of this order in accordance with law.

(RITU BAHRI)
JUDGE

11.07.2018
anil

Whether speaking/reasoned Yes/No

Whether reportable Yes/No