

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP No. 25494 of 2017 (O&M)
Date of decision : February 23, 2018

Karnail Singh and others

..... Petitioners

Versus

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL
HON'BLE MR. JUSTICE B. S. WALIA

Present:- Mr. B. S. Bedi, Advocate
for the petitioners.

RAJESH BINDAL, J.

The petitioners herein are working in the Haryana State Crime Record Bureau. Earlier the petitioners were covered by the rules namely Haryana State Crime Record Bureau (Group-C) Service Rules, 1997 (for short '1997 Rules'). After repeal of the aforesaid Rules, fresh rules have been framed in the year 2017 titled as Haryana State Crime Record Bureau, (Group-C) Service Rules, 2017 (for short '2017 Rules'). The relevant rules, vires of which are sought to be impugned, are reproduced hereinbelow:-

2. (1) In these rules, unless the context otherwise requires,-

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(f) "expert" means an official equivalent to the status of a
Sub-Inspector of Police in Police department;

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(h) "Head Classifier" means an official equivalent to the status of a Assistant. Sub Inspector in Police department;

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(j) "junior classifier" means an official equivalent to the status of a Constable in Police department;

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(l) "Senior Classifier" means an official equivalent to the status of a Head Constable in Police department;

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(o) "supervisor" means an official equivalent to the status of an Inspector of Police in Police Department;"

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11. (1) Every member of the Service shall be required to undergo the departmental courses as per criteria laid down in Appendix E and if a member of service fails to pass the departmental courses, he shall not be eligible for promotion till such time he passes the prescribed departmental courses.

(2) The training curriculum for departmental courses shall be such, as specified by the Director General of Police with the approval of the Government.

(3) The Director General of Police on the recommendation of Director may specify special courses for the existing staff to meet out any professional and administrative requirement.

12. Seniority in Bureau shall be determined as per the

merit achieved by a member of service in the first course.

This seniority shall not be disturbed at all.

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21. The Haryana State Crime Record Bureau (Group C) Service Rules, 1997, are hereby repealed:

Provided that any order made or action taken under the rules so repealed, shall be deemed to have been made or taken under the corresponding provisions of these rules.”

A perusal of the definition provided in the Rules show that the designations have been changed. “Expert” means an official equivalent to the status of a Sub-Inspector of Police in Police department. (Rule 2(1)(f).) “Head Classifier” means an official equivalent to the status of a Assistant Sub Inspector in Police department. (Rule 2(1)(h).) “Junior Classifier” means an official equivalent to the status of a Constable in Police department (Rule 2(1)(j).) "Senior Classifier" means an official equivalent to the status of a Head Constable in Police department; (Rule 2 (1)(l).) “Supervisor” means an official equivalent to the status of an Inspector of Police in Police Department.(Rule 2(1)(o).)

Change in designations as is evident from the aforesaid definitions is not affecting the rights of the petitioners in any way as it merely re-defines their designation. Hence, cannot be said to be ultra vires.

Grievance against Rule 11 of the 2017 Rules is also misconceived. It provides for departmental courses to be passed before any one is eligible for promotion. It cannot be disputed that Haryana State Crime Record Bureau is a specialized agency which has four wings as defined in Rule 2 (1) (b) i.e. Fingerprint Bureau, Computer Wing, Modus Operandi

Bureau and Crime Record office. The manner of work in the aforesaid branches is highly specialized. The duties differ as compared to what the police force is carrying on. If for achieving that objective, the condition has been laid to pass the departmental examination as provided in Appendix 'E' of 2017 Rules which is in line with the duties to be discharged by the members of the cadre, we do not find any illegality therein. With the change in time, the manner in which the crime is being committed and the modus operandi used by criminals is also changing very fast. Police force has to be updated and must be equipped to remain one step ahead of the criminals, so that the State is able to discharge its duty to prevent and check the crime. Hence, the claim that petitioners could not be directed to undergo specialized courses which are required to equip and educate them to discharge their duties efficiently is totally mis-conceived.

Rule 12 of the 2017 Rules merely prescribes that the seniority shall be determined as per merit achieved by a member of service in the first course. The rule cannot be said to be ultra vires as merit has been given preference which should be the criteria as is even provided in Article 336 of the Constitution of India.

Rule 21 of the 2017 Rules merely repeals 1997 Rules, hence cannot be said to be ultra vires.

Appendix 'A' merely defines number of posts and the pay scales. Appendix 'B' defines the designation of posts and academic qualifications and experience required for promotion. Appendix 'C' and 'D' prescribes for the appellate authorities with reference to disciplinary action.

For the reasons mentioned above, in case we have to keep our police force up to date keeping in view the modus operandi and

techniques being adopted by the criminals, then we should keep in mind that every one need to change. We should not continue walking on the beaten track. Times are changing fast so are the techniques and the manner in which crime is being committed. Data showing rise in crime is another alarming factor. The State will fail in discharging its one of the main functions i.e. maintenance of law and order, if the forces dealing with crime are not properly trained.

We do not find any illegality with the rules which are in tune with the need of the present time. The writ petition is accordingly dismissed.

(RAJESH BINDAL)
JUDGE

(B. S. WALIA)
JUDGE

February 23, 2018
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Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No