

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

**CWP No. 5810-2018 (O&M)
Date of decision : 30.04.2019**

ASI Harjeet Kaur and othersPetitioners

versus

State of Haryana and ors. ...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Gurminder Singh, Sr. Advocate with
Mr. R.P.S Bara, Advocate
for the petitioners.

Mr. Kiran Pal Singh, AAG, Haryana

RITU BAHRI, J. (Oral)

In the present writ petition, petitioners are seeking quashing of order dated 04.01.2018 (P-7 colly) whereby the private respondents who are junior to the petitioners have been given promotion as officiating Sub Inspector and Assistant Sub Inspector by ignoring the petitioners.

Learned senior counsel for the petitioners submits that the policy dated 08.10.2012 (P-8) framed by the respondent for fixing the lien and seniority of Executive Clerical Cadre was challenged by some of Executive Clerical Cadre by filing CWP No. 3595-2013 and the same was disposed of by the Division Bench of this Court with a direction to the Additional Chief Secretary, Home Department Haryana to convene a meeting of the stake holders including the Commissioners of Police/Inspector General of Police of different range and to revisit the policy. But when the department did not revisit the earlier policy, COCP No. 703-2017 was filed against the respondent-department and is now pending for 10.07.2019.

The present petitioners are now seeking promotion from the date their junior i.e respondent No. 4 and 5 have been promoted in compliance of order dated 30.11.2018 and 03.12.2018 (P-12 and P-11 respectively). The petitioners belong to Ambala Range and respondent No. 4 and 5 were promoted by taking their lien from Panchkula Commissionerate, which was created in the year 2018. Respondent No. 4 and 5 are much junior to the petitioners in Ambala Range, which is the parent range of the petitioners.

Learned senior counsel for the petitioners has referred to order dated 10.04.2019 passed in COCP No. 703-2017, which reads as under:-

In pursuance to the last order dated 11.3.2019, the respondent has placed on record status report by way of affidavit of Dr. S.S. Prasad, Additional Chief Secretary to Government, Haryana dated 9.4.2019 along with speaking order dated 9.4.2019 (Annexure R-1) clarifying that the seniority of the officials is to be maintained in the respective ranges where they have been allocated and therefore, cannot claim seniority and promotion against the other ranges/Commissionerates. Therefore, the claim of the promotion w.e.f. 26.9.2011 i.e. the date from the person of other range was promoted cannot be acceded in view of the policy dated 12.11.2012, which has been now retained by the Committee in its meeting held on 26.4.2017, minutes of which has been placed on record.

Learned counsel for the petitioners, however, brought to the notice of the Court the letter dated 4.10.2018, vide which, 38 posts of Sub- Inspector and 8 posts of Assistant Sub-Inspector were created to resolve the issue raised by the petitioners. Thus, the respondent herein has already done the needful, but from para 7 of the affidavit dated 9.4.2019, Director General of Police, Haryana, vide letter dated 14.11.2018 said that the only 20 posts were required i.e. 6 posts in the rank of Sub-Inspector and 14 posts in the rank of Assistant Sub-Inspectors towards the

diminishing cadre posts. It was on the request of the Director General of Police, Haryana that the State Government vide letter dated 30.11.2018 intimated to utilize the only said 20 posts to address the grievance of the petitioners. Accordingly, on oral request of learned counsel for the the petitioners, Mr. Manoj Yadav, Director General of Police, Haryana is impleaded as respondent No.2.

Amended memo of parties be taken on record today itself.

Mr. Sandeep S. Mann, Sr. Deputy Advocate General, Haryana, accepts notice on behalf of respondent No.2 .

Learned counsel for the State to clarify as to why all the 38 posts as proposed by the Government is not being utilized especially taking into account that some of the the petitioners are left out and therefore, aggrieved for not getting their due promotions when their juniors have already been promoted.

Adjourned to 10.7.2019."

A perusal of the above order shows that 38 posts of Sub Inspectors and 08 posts of Assistant Sub Inspectors are created but are not being utilized till date. Further the order passed in CWP No. 3595-2013 has attained finality and State is bound to implement the decision, as respondents have already created 38 posts of Sub Inspector.

In view of the above factual position, the writ petition stands disposed of by giving a direction to the respondents to pass appropriate orders, keeping in view order dated 30.11.2018 and 03.12.2018 (P-12 and P-11 respectively). This exercise shall be completed within a period of three months from the date of receipt of certified copy of this order.

April 30, 2019
G Arora

(RITU BAHRI)
JUDGE

***Whether speaking/reasoned
Whether reportable***

***Yes
No***