

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

206

CWP-19824-2013 (O&M)
Date of decision: 24.02.2020

Krishan

.....Petitioner

versus

State of Haryana and others

....Respondents

CORAM: Hon'ble Mr. Justice Girish Agnihotri

Present: Dr. S.K. Redhu, Advocate
Mr. Karamveer Singh Banyana, Advocate
Mr. A.S. Virk, Advocate
for the petitioner(s).

Ms. Safia Gupta, AAG, Haryana.

GIRISH AGNIHOTRI, J. (Oral)

This order shall dispose of eleven writ petitions namely CWP Nos.19824, 25346, 23531, 6103, 6127 & 7319 of 2013, CWP Nos.22575, 24288, 24532 & 25327 of 2014 and CWP No.8449 of 2015. For the sake of reference, facts are taken from **CWP-19824-2013**.

Petitioner Shri Krishan-EASI has filed the present writ petition *inter alia* for directing the respondents to grant promotion to the next higher rank in the present case to the rank of Sub Inspector under ORP Policy circulated by the Financial Commissioner & Principal Secretary to Government of Haryana, Home Department, vide memo dated 27.03.2008 (Annexure P-8).

In short, grievance of the petitioner was that respondents were

discriminating the petitioner for grant of one rank of higher promotion. In the present case, respondents are not considering and granting the petitioner one rank higher promotion to the rank of Sub Inspector under the Policy dated 27.03.2008.

The records of the case show that notice of motion in this case was issued on 09.09.2013. Written statement dated 19.03.2014 has been filed on behalf of respondents No.2 to 4 by Shri Vivek Sharma, IPS, Joint Commissioner of Police, Headquarters, Gurgaon. Thereafter, a status report dated 29.09.2017 was filed by way of an affidavit of Shri Sandeep Khirwar, IPS, Commissioner of Police, Gurugram. Still further, an affidavit dated 03.12.2018 of Shri Vikas Dhankhar, IPS, Assistant, Inspector General of Police, Provisioning, Haryana, Panchkula, on behalf of respondent No.2, has once again been filed, clarifying the status in the present case.

During the course of hearing, it has been pointed out by learned counsel for the respondents that in LPA-445-2014, vide order dated 23.02.2015, a direction was given to the State Government to review all such cases and wherever it is found that undue favour has been shown, let such benefits be withdrawn after observing the principles of natural justice. It is further pointed out that the Committee, in pursuance to the said directions of Division Bench of this Court, has been constituted. The said Committee is examining the individual cases which are brought before them with the claim that the individuals have done Gallantry service of exceptional order and thus are entitled to get the benefit of one rank higher promotion under ORP Policy. It is not disputed before this Court that in case, the

petitioner would also make their representation pointing out clearly their Gallantry service of an exceptional order to justify their claim under ORP Policy, the Competent Authority/Committee so constituted, shall consider and pass appropriate orders in accordance with law within a period of two months from the date of receipt of certified copy of the order and also the representation submitted by the petitioner, whichever is later.

In view of the above, the present writ petitions are **disposed of** with the directions as noticed above.

At this stage, learned counsel for the petitioner submits that in some of the cases, on an earlier occasion, the Authorities have passed an order rejecting the claim of the petitioners.

This Court, while disposing of the writ petitions, deems it appropriate to further direct that the fresh consideration be undertaken by the Authorities/Committee *de hors* the rejection orders earlier passed.

(GIRISH AGNIHOTRI)
JUDGE

24.02.2020

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Whether speaking/ reasoned:

Yes/No

Whether Reportable:

Yes/No