

Sr. No.721

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-5785-2001 (O&M)
Date of decision: 25.05.2022

Head Constable Girdhari Lal and another

...Petitioners

Vs.

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Rajesh Tushar, Advocate
for the petitioners.

Mr. R.D.Sharma, DAG, Haryana.

ARUN MONGA, J. (ORAL)

Petition herein, inter alia, is for issuance of a writ in the nature of Mandamus directing respondent No.3 to depute the petitioners for Intermediate School Course and further directions for fixation of seniority as per Rule 13.8 (2)

2. Petition was admitted for hearing on 29.04.2002.

3. When taken up for final adjudication after around 22 years, both the learned counsels are unable to assist the Court for lack of instructions. Learned counsel for the petitioners states that he could not contact the petitioner. He further submits that even the paper book of the case has been misplaced in his office. Whereas, on the other hand learned State counsel submits that he too made attempts to get instructions from the office representatives of the respondents, but for lack of any assistance, he is unable to address arguments.

4. Be that as it may, from perusal of record/pleadings, it appears that claim of the petitioners is not admissible on merits. Reference may be had in

particular to stand taken in para-1 of the preliminary objections of written statement, filed by respondents No.1 to 4.

5. Respondents in their defense have pleaded that petitioners are serving in Gurgaon Zone, which comprises of four districts i.e. Gurgaon, Faridabad, Rewari and Mohindergarh at Narnaul. The seniority of the petitioners is maintained in district Gurgaon in form 10.88 (1) as laid down in PPR 13.3 being Head Constable. At the relevant time, petitioners were officiating as Head Constables. Seniority list of confirmed Head Constables and officiating Head Constables separately maintained at the Range Level. List of confirmed Head Constables as annexure R-1 reveals that the name of HC Jagdish Chander No.131/GGN respondent No.5, HC Israil Khan 403/FBD, respondent 6, Kanwal Singh 533/NNL respondent No.7, Jai Singh 622/NNL respondent No.8 and HC Abhey Singh 299/RWR respondent 9 figures at 34 to 38. Whereas the names of the petitioners are at sr. No.22 and 25 in the list of officiating Head Constables as annexure R-II. The petitioners thus were held as not entitled to be sent for the Intermediate School Course.

6. I am in agreement with the stand taken by the respondents. Neither any replication has been filed to the afore-noted stand of the respondents nor any additional affidavit of any kind to controvert the same.

7. Controversy in hand in any case settled by full Bench of this Court in Sardul Singh v/s Inspector General of Police Punjab and others (1970 SLR 505) opining thus:-

“For the reason given above, we are of the opinion that every Head Constable on list ‘C’ has the right to be sent for the Intermediate School Course in the order of his seniority determined in accordance with the Rule 13.08. While sending the Head Constables for the Intermediate School Course, the Deputy Inspector General of Police shall first send the confirmed Head Constables and after their list exhausted, the

Head Constables on probation shall be sent and last of all officiating Head Constables will be sent. Thus appears to us as to be the most reasonable fair and equitable way complying with the provision of Rule 13.9 of the Police Rules in the interest of all Head Constables in the Police force who legitimately aspire for promotion. Any Head Constable unwilling to undergo that course will of course be omitted.”

8. In view of the aforesaid, no grounds are made out to interfere.

9. Dismissed.

25.05.2022

mamta

**(ARUN MONGA)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No