

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-5027-2024
Date of decision : 04.03.2024

Anil Kumar and others

... Petitioners

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.Amit Jhanji, Senior Advocate with
Mr.Shashi Kumar Yadav, Advocate and
Ms.Eliza Gupta, Advocate
for the petitioners.

Ms.Rajni Gupta, Addl.A.G. Haryana.

VIKAS BAHL, J.(ORAL)

1. This is a civil writ petition filed under Article 226/227 of the Constitution of India for issuance of a writ, order or direction especially in the nature of mandamus directing the respondents to consider the name of the petitioners for out of turn promotion w.e.f. 02.03.2023 (Annexure P-3) to the post of Deputy Superintendent of Police on the basis of gallant action / cases as per the Haryana Police Service (Amendment) Rules, 2021 dated 08.10.2021 (Annexure P-1).
2. Learned senior counsel for the petitioners has pointed out that as per notification dated 08.10.2021 (Annexure P-1), the recommendation for out of turn promotion is required to be considered on year to year basis, on the basis of availability of vacancies meant for out of turn promotion quota and the names are to be invited from all units of Police in the month

of March and the Scrutiny-cum-Selection Committees are required to submit their recommendations within 15 days to the State Government for consideration. It is further submitted that the names of the petitioners were recommended on 02.03.2023 vide letter (Annexure P-3) and it is prayed that in view of the above said notification, the representation dated 22.02.2024 (Annexure P-9) given by the petitioners be considered within four weeks from today.

3. Learned State counsel has submitted that the competent authority of respondent no.1 would consider the said representation and decide the same, in accordance with law, within the aforesaid period.

4. Keeping in view the above said facts and circumstances, the present petition is disposed of with a direction to the competent authority of respondent no.1 to consider the representation dated 22.02.2024 (Annexure P-9) of the petitioners and decide the same, in accordance with law, as expeditiously as possible, preferably within a period of four weeks from today and in case, after considering the same, the plea of the petitioners is found to be meritorious, then necessary relief be granted to the petitioners and in case, the plea of the petitioners is not found to be meritorious, then a speaking order rejecting the same be passed within a period of four weeks from today.

5. It is made clear that this Court has not opined on the merits of the case and the competent authority of respondent no.1 would consider and decide the representation independently, in accordance with law.

(VIKAS BAHL)
JUDGE

March 04, 2024
Davinder Kumar