



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

507-3

CWP-8016-2009

Date of Decision: 09.09.2025

ROSHAN LAL AND ORS.

...Petitioners

Versus

STATE OF HARYANA & ORS.

...Respondents

CORAM:- HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Samrat Malik, Advocate for petitioners
Mr. Pratyush Sood, Advocate for
Mr. Gourav Mohunta, Advocate for petitioner No.8

Mr. Suneel Ranga, DAG Haryana

JAGMOHAN BANSAL, J. (ORAL)

1. On 25.05.2009, following order was passed by this Court:-

“The petitioners have challenged the order dated 15/19.5.2009 (Annexure P-29) whereby their representation has been rejected and it has been ordered that they be reverted. The ground taken is that the petitioners were originally rightly promoted and satisfied the criteria mentioned by the Hon'ble Supreme Court in SI Paras Kumar and others vs SI Ram Charan and others, Civil Appeal No.2273 of 2994 decided on 12.4.2004, which reads as follows :-

“Though the regular promotion could not be made by the DGP, he can definitely forge some methods under Section 12 of the Police Act so as to encourage efficient officers who did yeomen service in anti terrorist front or who earned laurels to the department. The impugned adhoc promotion could be treated as one such method to improve the efficiency of the police force by according special status for meritorious officers. Similarly under the Punjab Police

Rules, Rule 13.2A, a subordinate (enrolled) police officer could be given next higher rank as local rank in the interest of better functioning of the force. Such granting of a next higher rank is only an exercise of section 12 of the Police Act by the IG/DGP so as to improve the efficiency of the force or for administrative convenience. At the same time, it cannot be treated as regular promotion under Chapter 13 of the Punjab Police Rules."

In the impugned order, the Director General of Police mentioned as follows :-

"... As such the petitioners who were appointed in the year 1998 in commando wing were promoted as head constable along with others on 4.8.93 on adhoc basis as a stop gap arrangement without caring pay special reason such as achievement in the field of sports, bravery or outstanding meritorious services...."

I pointed out to learned counsel for the petitioners that in the face of this clear finding by the DGP, the only averment in the writ petition is to the following effect:-

"2. That the petitioners were enrolled as Constables and thereafter on the basis of their good performances/displaying extra ordinary courage, they were promoted as Head Constables on adhoc basis...."

Learned counsel for the petitioners has asserted that in fact each of the petitioner was promoted on account of some action which fell within the parameters mentioned by the Hon'ble Supreme Court and that this fact could definitely be recorded in the noting if not in the impugned order.

Notice of motion.

On the asking of the Court, Mr. Harish Rathee, Sr. DAG Haryana accepts notice on behalf of

respondents No.1 to 4 and prays for time to seek instructions.

Counsel for the petitioners undertakes to supply five copies of the paper book to counsel for the respondents during the course of the day. Counsel for the respondents is requested to produce the files relating to the promotion of the petitioners (to the post of Head Constable) so as to enable this Court to see as to what were the parameters on which they were promoted.

It may also be noticed that a Caveat Petition has been filed by some persons who have not been impleaded as parties in this writ petition.

In the circumstances, I direct that these caveators may also file an appropriate application for being impleaded, in the meantime.

Adjourned to 29.5.2009.

Meanwhile, status quo be maintained.

Copy of this order be given dasti to counsel for the respondents under the signatures of the Reader of this Court.”

2. The aforesaid order was followed by order dated 29.05.2009, which reads as:-

“CM No. 9722 of 2009

Learned Senior Advocate for the petitioners has stated that he has no objection if the persons mentioned in para 2 of the application are impleaded as respondents. The application is thus allowed. Persons mentioned in para 2 are directed to be impleaded as respondents No. 5 to 11.

C.W.P. No. 8016 of 2009

*Learned counsel for the respondents has placed on record the files relating to the promotions of the petitioners as Head Constables on ad hoc basis. It is seen that except for the petitioner No.7 none of the petitioners are covered by the parameters evolved in **SI Paras Kumar and others v. SI Ram Charan and others**, Civil Appeal No.2273 of 1994*

decided on 12.4.2004. Petitioner No.8 was ordered to be given out of turn promotion because in a police cricket meet he secured a half century. In my opinion it could not be within the parameters of Paras Kumar's case (supra) .

Learned counsel for the petitioners has also argued that some of the petitioners were promoted because they had cleared the Ranger Commando Course from NSG Training Centre, Manesar securing at least B grade.

In my opinion this qualification also does not come within the parameters of Paras Ram's case (supra). However, it cannot be lost sight of was that when originally the benefit of ad hoc promotion was granted to the petitioners CWP No. 6489 of 2006 was filed which is still pending. In the circumstances the present petition is admitted to be heard along with the said writ petition.

In the meantime interim order dated 25.5.2009 is vacated except for the petitioner No. 7 in respect of whom the status quo order shall continue.”

3. The petitioners preferred intra court appeal which was disposed of vide order dated 05.06.2009. The DGP was directed to consider claim of the petitioner in the peculiar facts and circumstances.
4. During the course of hearing, learned State counsel produced copy of order dated 16.07.2009 passed by DGP. The same is taken on record. Registry is directed to tag the same at an appropriate place.
5. The DGP in compliance of orders of Division Bench passed order dated 16.07.2009. The relevant extracts of said order are reproduced as below:-

“In compliance of the above directions of the Hon'ble High Court the cases of the petitioners for granting ORP has been examined. As per Policy, ORP is given in recognition of some "Gallant Action" by the

members of Police force and exceptional achievements in professional areas of policing as well as out-standing achievements in the field of sports. Their cases are not covered under this policy. However, keeping in view the period spent by the them in the rank of ASI/SI, all the petitioners, except SI Rohtash, No.93/ CPF in respect of whom status quo order shall continue, are granted ORP in the present rank they are holding till the writ petition filed by them is finally decided by the Hon'ble High Court, as one time exception to ORP policy which would not be cited as precedent. This promotion shall not confer any right upon them to claim seniority or pay in these ranks.”

6. In view of aforesaid order of DGP, the petitioners continued to hold local rank of ASI/SI. They received salary of substantive rank and enjoyed local higher rank.
7. In view of order dated 16.07.2009 passed by DGP, the grievance of the petitioners stands redressed. No further order is warranted.
8. Disposed of.
9. Pending application(s), if any, also stands disposed of.

(JAGMOHAN BANSAL)
JUDGE

09.09.2025
Deepak DPA

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No