



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

Date of Decision: 20.03.2025

CWP No.12750 of 2016 (O&M)

Kapil Ruhil

....Petitioner

vs.

Chief Secretary to Government of Haryana and others

....Respondents

CWP No.12756 of 2016 (O&M)

Narinder Singh and another

....Petitioners

vs.

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

**Present: Mr. Karamveer Singh Banyana, Advocate
for the petitioner(s)
Ms. Palika Monga, DAG, Haryana**

JAGMOHAN BANSAL, J. (ORAL)

1. By this common order, CWP No. 12750 of 2016 and CWP No. 12756 of 2016 are hereby adjudicated as common questions of law and facts are involved. With the consent of both sides, facts are borrowed from CWP No. 12750 of 2016.

2. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking direction to respondent to consider legal



representation dated 09.01.2016 for his appointment as Deputy Superintendent of Police and cash award of Rs. 21 lakh for conquering Mount Everest.

3. The petitioner conquered Mount Everest. There were many persons like petitioner who conquered Mount Everest. The State Government considered case of petitioner as well as many other similarly situated persons for the post of Assistant Sub Inspector/ Sub Inspector/ Deputy Superintendent of Police. The respondent, at the first instance, formed an opinion that petitioner should be appointed as Assistant Sub Inspector. It is apt to notice that he is holding post of Constable. The respondent as per its convenience issued appointment letter to few sportspersons who had conquered Mount Everest but did not issue to the petitioner. The persons who were not issued appointment letter approached this Court by way of writ petitions. This Court vide orders dated 17.02.2016, 28.04.2016 and 02.02.2018 allowed CWP No. 2304 of 2015, CWP No. 10882 of 2015 and CWP No. 18670 of 2016 respectively. In all the orders, the respondents were directed to issue appointment letter and release cash award. The operative portion of order dated 17.02.2016 passed in CWP- 2304 of 2015 is reproduced as below:-

“After going hearing learned counsel for the parties and going through the contents of the petition and written statement, this Court is of the view that the present petition deserves to be allowed. As per policy dated 20.08.2013 (Annexure R-1), there is no provision for giving any benefit of appointment to the mountaineers. However, at the same time, in the case of Ms. Mamta Sodha-respondent No.5, a sum of ₹21 lacs had been awarded by the State Government and the Chief Minister



had desired that a separate scheme for giving cash award in such activities be prepared by the department. Thereafter, the Council of Ministers had approved the appointment of Ms. Mamta Sodha to the post of DSP on 16.06.2010 (Annexure R-III), who had climbed the Mount Everest. Hence, in the case of Ms. Mamta Sodha, on the one hand, she was appointed as DSP vide appointment letter dated 11.08.2010 and on the other, she was awarded ₹21 lacs as per order dated 12.08.2011 (Annexure R-II). However, in the case of the petitioner, he was awarded only a sum of ₹5 lacs as per decision dated 02.05.2013 (Annexure P-13), account of the fact that he had successfully scaled the Mount Everest on 21.05.2013 and had flagged the National Flag and had become the youngest person of the State of Haryana to do so. The petitioner, who is 23 years of age, has to be given a similar treatment as has been extended by the State authorities to respondent Nos. 5 and 6. The petitioner was given commendation certificate (Annexure P-4) from the Ambassador of India at Kathmandu on 27.05.2013 and was also awarded with 'Bharat Gaurav Puraskar' (Annexure P-5) by National Adventure Club (India) on 10.02.2014. The petitioner belongs to economically weaker section of the society and various organizations had come forward to help him in order to meet the expenses of ₹25 lacs, which was required to scale the highest mountain of Mount Everest. The stand taken by the respondents that as per policy 20.08.2013 (Annexure R-1), there is no provision for giving any benefit of appointment to the mountaineers, cannot be a ground to reject the claim of the petitioner, as Ms. Mamta Sodha-respondent No.5 has been given appointment of the post of DSP on the basis of conquest of Mount Everest on 22.05.2010. Apart from this, respondent No.5 was also



given a cash award of ₹21 lacs for the said achievement. Hence, on the ground of parity, the claim of the petitioner should have been accepted by the respondents.

9. In view of the above discussion, this petition is allowed and a direction is given to the respondents to consider the claim of the petitioner and thereafter, give him appointment along with cash award at par with Ms. Mamta Sodha-respondent No.5, within a period of three months from the receipt of certified copy of this order.”

4. Mr. Karamveer Singh Banyana, Advocate submits that case of the petitioner is squarely covered by afore-stated judgments. The respondent by common letter dated 28.05.2012 recommended names of seven persons for the post of Assistant Sub Inspector. Three persons are already working with respondent because they have been issued appointment letter. Kumari Sunita Singh and Raju Sindhu have been issued appointment letter on the direction of this Court whereas Sushma Kanwar was issued appointment letter by respondent itself. She (Sushma Kanwar) has filed writ petition before this Court claiming post of Deputy Superintendent of Police. The petitioner on the ground of parity is entitled to the post of at least Assistant Sub Inspector alongwith cash award.

5. Per contra, Ms. Palika Monga, DAG, Haryana submits that State has filed Letters Patent Appeal against orders passed by learned Single Judge in the case of Kumari Sunita Singh and Raju Sindhu. A Division Bench of this Court vide order dated 04.05.2022 has admitted LPA(S) No. 1528 of 2018 and 1301 of 2017 on 30.01.2017, thus, for all intent and purposes, the matter is pending before Division Bench. As the matter is pending before Division Bench, this Court should not pass any order relying



on earlier orders of learned Single Judge. The Policy in force did not cover sports in question, thus, petitioner did not get vested or absolute right to claim appointment.

6. I have heard learned counsel for the parties and perused the record with their able assistance.

7. From the perusal of record, it is evident that there are three different orders passed by different benches of this Court whereby similarly situated persons are held entitled to the post of Sub Inspector. The respondent has filed intra Court appeals. The order dated 04.05.2022 passed by Division Bench of this Court in appeals reads as:-

“LPA Nos. 1528 of 2018 (O&M) and 1301 of 2017(O&M)

It is not disputed that Sunita and Raju both have joined the service in pursuance to the offer made by the State. The only dispute now is regarding the cash amount.

Admitted.

Photocopy of the order be placed on the file of connected case.”

8. From the perusal of afore-cited order, it is evident that respondent has issued appointment letter to Kumari Sunita Singh as well as Raju Sindhu and they have joined the service. The Court has admitted appeals qua cash amount. The respondent has not assailed the aforesaid order before Supreme Court, thus, orders qua appointment letter have attained finality.

9. The respondent, at this stage, is claiming that there was no Policy in force permitting to issue appointment letter to mountaineers. The



petitioner has conquered Mount Everest and said sport was not notified in the Sports Policy, thus, he was not entitled to appointment to the post of Assistant Sub Inspector/ Sub Inspector.

On the asking of Court, State counsel expressed her inability to controvert the fact that State Government considered claim of the petitioners and letter whereby they were proposed to be issued appointment letter was never recalled rather few similarly situated persons have already been issued appointment letter.

10. As the case of petitioners is squarely covered by aforesaid judgments of this Court, the instant petitions on the ground of parity deserve to be allowed. The petitioners at present have crossed age of 35 years and at the initial stage they were proposed to be appointed as Assistant Sub Inspector, thus, this Court does not find it appropriate to ask the State Government to issue them appointment letter for the post of Sub Inspector. It would be in the interest of justice and equity if petitioners are issued appointment letter to the rank of Assistant Sub Inspector. Two petitioners, as stated by the State Counsel, have already been paid cash award of Rs. 5 lakh. The same amount be released to the third petitioner namely Kapil Ruhil.

- 11. Let the needful be done within three months from today.
- 12. Allowed in above terms.
- 13. Pending Misc. application(s), if any, shall stand disposed of.

(JAGMOHAN BANSAL)
JUDGE

20.03.2025
paramjit

Whether speaking/reasoned:	Yes	
Whether reportable:	Yes	