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

CWP-14347-2025

Date of Decision: 19.05.2025

CONST AJMER SINGH AND OTHERS Petitioners

Versus

STATE OF HARYANA AND OTHERS Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. G.S. Gopera, Advocate
for the petitioners.

Ms. Rajni Gupta, Addl. AG, Haryana.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioners through instant petition under Articles 226/227 of the Constitution of India are seeking setting aside of communication dated 04.03.2025 (Annexure P-3) whereby respondent has rejected their claim to exercise option under Rule 3 of Haryana Police Permanent Absorption of India Reserve Battalion's Police Personnel in District Police (General Cadre) Rules 2024 (for short '2024 Rules').

2. The petitioners are ex-servicemen. After serving armed forces for quite sometime, they joined Haryana Police Force under ex-serviceman quota. The State Government in exercise of power conferred by Section 92 of Haryana Police Act, 2007 (for short '2007') has introduced 2024 Rules. As per Rule 3, Police Personnel of Indian Reserve Battalions (for short 'IRB') in the rank of Head Constable/exemptee Constables are eligible to give option for permanent



absorption in District Police (General Cadre) provided they have completed 15 years of satisfactory service including Phase-I and Phase-II training. The petitioners have not completed 15 years service with police force, however, they have completed service of more than 15 years, if their service with armed forces is counted.

3. Learned counsel for the petitioners submits that petitioners are ex-servicemen and they are more than 40 years old. Their service with armed forces was counted for the purpose of leave encashment as well as casual leave, thus, there is no reason not to count their past service while considering their case for absorption in District Police (General Cadre).

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

5. Rule 3 of 2024 Rules provides that police personnel of IRB would be given an option to be permanently absorbed in District Police (General Cadre) after completion of 15 years satisfactory service including their Phase-I and Phase-II training. The said Rule is reproduced as below:

“3. The police personnel of India Reserve Battalions in the rank of Head Constables, C-1 Constables and Exemptee Head Constables/Constables shall become eligible to be given an option to be permanently absorbed in District Police (General Cadre) after completion of fifteen years of satisfactory service including completion of their Phase-I and Phase-II training.”

6. From the perusal of aforesaid Rule, it is quite evident that a Constable/Head Constable is required to complete 15 years service including Phase-I and Phase-II training to become eligible to be absorbed



in District Police (General Cadre). The petitioners are claiming that aforesaid Rule should be read in a manner that 15 years service includes service rendered with armed forces.

The claim of petitioners is based upon the ground that their past service is counted for the purpose of leave encashment and casual leaves. Every benefit is an independent benefit and cannot be linked with others. The incentive of absorption in District Police (General Cadre) was not available at the time of joining of petitioners in IRB. It is a settled proposition of law that Courts have no power to add, subtract or delete any word or expression from the unambiguous and clear language of the legislation. In case of ambiguity, the Courts are empowered to clarify the position while applying principles of interpretation, however, where language is plain and unambiguous, there is no question to add, subtract or delete any word.

7. In the case in hand, language of aforesaid Rules is unambiguous and in the absence of ambiguity, there is no question to add an expression as claimed by petitioners. Addition of expression that past service with armed forces shall be included while calculating 15 years service amounts to addition of explanation/proviso in the aforesaid Rule which is impermissible in law.

7. In the wake of above discussion and findings, the present petition stands dismissed.

(JAGMOHAN BANSAL)
JUDGE

19.05.2025

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Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No