



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

**CWP-25036-2013 (O&M)
Date of Decision: 19.11.2025**

Naresh Kumar and Others

...Petitioners

Versus

State of Haryana and Another

...Respondents

CORAM:- HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Birender Singh Rana, Senior Advocate with
Mr. Vijender Singh Ahlawat, Advocate and
Mr. Nayandeep Rana, Advocate
for the petitioners.

Mr. Rajiv Malhotra, DAG Haryana.

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioners through instant petition under Articles 226/227 of the Constitution of India are seeking direction to respondent to treat them confirmed on the post of Sub Inspector (**SI**) on completion of two years probationary period.

2. The petitioners through instant petition are primarily claiming that their date of confirmation as SI should be date of completion of probationary period. They are relying upon Rule 13.18 of Punjab Police Rules, 1934 (as applicable to State of Haryana) (in short 'PPR').

3. While issuing notice of motion, this Court vide order dated 25.11.2013 recorded grievance and arguments of the petitioners. The order dated 25.11.2013 reads as:

“The 5 petitioners before this Court were promoted as Sub Inspectors on the same day i.e. On 7.8.2001. They belong to different ranges. The next higher promotional post is that of Inspector. The seniority of the Inspectors is fixed State wise. The Sub Inspectors draw their seniority from their respective ranges. Several of the petitioners' batch mates of Ambala range who were promoted later as Sub Inspectors than the petitioner, were confirmed as Sub Inspectors on 31.1.2004. 19 Sub Inspectors in Ambala range were confirmed on different dates in 2004. All the petitioners belong to Gurgaon range and could earn confirmation as Sub Inspectors later than to 19 Sub Inspectors of Ambala Range mentioned in Annexure P-3. They were confirmed on 31.8.2006 whereas they ought to have been confirmed on 6.8.2003 and their process of confirmation was delayed by 3 years.

In this background of facts, Mr. Rawal, learned senior counsel argues on the strength of rule 13.18 of the Punjab Police Rules, 1934 as applicable to the State of Haryana that all police officers promoted in rank shall be on probation for two years. On conclusion of the probationary period, rule prescribes that the competent authority may either confirm the probationer or revert him or if it so thinks fit, extend the period of probation by one year in the aggregate and on the conclusion of the extended period of probation, pass such orders as it could have passed on the conclusion of the original period of probation.

*On the strength of this rule, Mr. Rawal urges that in case the competent authority did not think it fit to extend the period of probation by one year or further, then there would be deemed confirmation on the expiry of the period of probation laid down in the aforesaid rules which is 2 years. He places reliance on the decision of the learned Single Judge of the Delhi High Court in **Ram Pat v. Union of India and others**; 1984 (3) SLR 756, to contend that in*

the aforesaid case, both rule 12.8 and 13.18 were considered and it was held that Ram Pat serving in the police and governed by the provisions of the PPR, 1934 would be deemed to have been confirmed as a Head Constable from the date of end of the probation period and his seniority in that rank would operate by virtue of rule 12.2.(3) from the anterior date.

The Registry is directed to append the photo copy of the decision produced by Mr. Rawal at the end of the paperbook.

The further argument is that confirmation is a fortuitous circumstance, over which, the petitioners have no control and therefore, delay in issuing the letters of confirmation should not work against their interest and their future career. In any case, the probation rule is not confirmation based.

Mr. Rawal further submits that the petitioners have been brought on list 'F' which paved their way for further promotion as DSPs. The persons mentioned in Annexure P-3 are said to have been also brought on list 'F' on the same day as the petitioners. After the Sub Inspectors of Ambala Range and Gurgaon Range were brought in list 'F' on the same day, they were promoted as Inspectors on 13.7.2007, i.e., on the same day.

On these premises, Mr. Rawal urges this Court to intervene in the matter in the background that DPC is to meet shortly to consider cases of further promotion to the post of Deputy Superintendents of Police.

Notice of motion.

Mr. Sunil Nehra, Sr. DAG, Haryana accepts notice on behalf of the respondents and waives service on them.

Mr. Gupta undertakes to supply 2 sets of the paper book in the office of Advocate General, Haryana and one to Mr. Nehra during the course of the day.

Mr. Nehra prays for time to file reply.

List on 13.12.2013.”

4. Learned counsel representing the petitioners submit that as per Rule 13.18 of PPR, the moment period of probation completes, unless and until Officer is reverted or probationary period is extended, he is deemed to be confirmed. No condition with respect to satisfaction of Higher Authorities is prescribed in said Rule. In the absence of pre-condition, an Officer who is on probation should be deemed to be confirmed if probationary period is neither extended nor Officer is reverted to lower rank. The seniority up to the rank of SI is maintained at Range Level. For promotion to the rank of Inspector, SI across the State are considered because seniority list of Inspectors is maintained at State level. Few Ranges confirmed promotion as SI the moment probationary period completed whereas few Ranges confirmed probationary period as soon as permanent vacancy arose. For the sake of promotion to the rank of Inspector, SI of different Ranges compete. For the purpose of promotion, eight years' service is considered. It is settled law that if candidates from different sources are considered for promotion, the date of appointment is relevant and not date of confirmation. The date of confirmation relates back to date of appointment. Similarly situated employees cannot be treated differently on the ground of different date of confirmation. Date of appointment is relevant for all intents and purposes.

5. *Per contra*, learned State counsel submits that petitioners were part of Gurugram Range. In the said Range, temporary posts of SI were available, thus, petitioners were promoted as officiating SI. They completed their probationary period which was never extended because they satisfactorily completed probationary period. They were also not reverted to their original rank, however, could not be confirmed because

of lack of permanent vacancy. As soon as permanent vacancies arose, their promotion was confirmed. As per Rule 13.14 (2) of PPR, eight years' approved service is required for promotion. The probationary period could not be considered towards approved service.

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

7. From the perusal of record and arguments of both sides, it appears that dispute is confined to date of confirmation of petitioners. As per respondents, the petitioners were entitled to be confirmed on the date of availability of permanent vacancy whereas petitioners are claiming that they were entitled to be confirmed on the date of completion of probationary period.

8. Rule 13.18 of PPR deals with probation which is reproduced as below:

“Probationary period of promotion.-

All Police Officers promoted in rank shall be on probation for two years: provided that the appointing authority may, by a special order in each case, permit periods of officiating service to count towards the period of probation. On the conclusion of the probationary period, the competent authority may either confirm the probationer or revert him or, if it so thinks fit, extend the period of probation by one year in the aggregate and on the conclusion of the extended period of probation, pass such orders as it could have passed on the conclusion of the original period of probation. While on probation officers may be reverted or their period of probation may be extended without departmental proceedings. Such reversion shall not be considered reduction in rank for the purpose of rule 16.4. This rule shall not apply to constables and Sub-Inspectors promoted to the selection

grade, whose case is governed by rules 13.5 and 13.14.

9. From the perusal of above quoted Rule, it is evident that said Rule is applicable to all Police Officers who are promoted in rank. It is not applicable to freshly recruited Officers. It provides that there would be two years' probationary period which may be extended by one year in aggregate. The probationary period of a promotee Police Officer cannot be more than three years. On completion of original or extended probationary period, the Competent Authority may either confirm the probationer or revert him. Reversion is not treated as reduction in rank.

10. A three Judge Bench of Hon'ble Supreme Court in ***High Court of M.P. Vs. Satya Narayan Jhavar (2001) 7 SCC 161*** has held that question of confirmation needs to be adjudicated in accordance with language of the appointment letter and applicable Rules. The Court noted that there are three lines of cases on the issue of the probation and confirmation. The Court has held :-

"11. The question of deemed confirmation in service jurisprudence, which is dependent upon the language of the relevant service rules, has been the subject-matter of consideration before this Court, times without number in various decisions and there are three lines of cases on this point.

One line of cases is where in the service rules or in the letter of appointment a period of probation is specified and power to extend the same is also conferred upon the authority without prescribing any maximum period of probation and if the officer is continued beyond the prescribed or extended period, he cannot be deemed to be confirmed. In such cases there is no bar against termination at any point of time after expiry of the period of probation.

The other line of cases is that where while there is a provision in the rules for initial probation and extension thereof, a maximum period for such extension is also provided beyond which it is not permissible to extend probation. The inference in such cases is that the officer concerned is deemed to have been confirmed upon expiry of the maximum period of probation in case before its expiry the order of termination has not been passed.

The last line of cases is where, though under the rules maximum period of probation is prescribed, but the same requires a specific act on the part of the employer by issuing an order of confirmation and of passing a test for the purposes of confirmation. In such cases, even if the maximum period of probation has expired and neither any order of confirmation has been passed nor has the person concerned passed the requisite test, he cannot be deemed to have been confirmed merely because the said period has expired.”

11. A Constitution Bench in ***State of Punjab Vs. Dharam Singh, AIR 1968 SC 1210*** interpreted Rule 6 of the Punjab Educational Service (Provincialised Cadre) Class III Rule, 1961. The Rule stipulated that the period of probation shall be one year and the total period of probation shall not exceed three years. The Court granted relief to the claimants as their services were continued beyond three years and the relevant rules as well as appointment letters did not stipulate the issuance of any order of confirmation. The Court has held:

"9. Immediately upon completion of the extended period of probation on October 1, 1960, the appointing authority could dispense with the services of the respondents if their work or conduct during the period of probation was in the opinion of the authority unsatisfactory. Instead of dispensing with their services on completion of the extended period of probation, the

authority continued them in their posts until sometime in 1963, and allowed them to draw annual increments of salary including the increment which fell due on October 1, 1962. The rules did not require them to pass any test or to fulfil any other condition before confirmation. There was no compelling reason for dispensing with their services and re-employing them as temporary employees on October 1, 1960, and the High Court rightly refused to draw the inference that they were so discharged from services and re-employed. In these circumstances, the High Court rightly held that the respondents must be deemed to have been confirmed in their posts. Though the appointing authority did not pass formal orders of confirmation in writing, it should be presumed to have passed orders of confirmation by so allowing them to continue in their posts after October 1, 1960."

12. In ***Durgabai Deshmukh Memorial Senior Secondary School and Anr. Vs. J.A.J. Vasu Sena and Anr., (2019) 17 SCC 157*** the Supreme Court adverted to Rule 105 of Delhi School Education Rules, 1973. The said Rule deals with probation and confirmation of the employees. Rule 105 of 1973 Rules reads as:-

"105. Probation (1) Every employee shall, on initial appointment, be on probation for a period of one year which may be extended by the appointing authority by another year with the prior approval of the Director and the services of an employee may be terminated without notice during the period of probation if the work and conduct of the employee, during the said period, is not, in the opinion of the appointing authority, satisfactory:

Provided that the provisions of this sub-rule relating to the prior approval of the Director in regard to the extension of the period of probation by

another year shall not apply in the case of an employee of a minority school:

(2) If the work and conduct of an employee during the period of probation is found to be satisfactory, he shall be on the expiry of the period of probation or the extended period of probation, as the case may be confirmed with effect from the date of expiry of the said period."

Hon'ble Supreme Court reversed opinion of Delhi High Court and held that as per Rule 105 (2) of 1973 Rules, an employee despite working beyond probation period is not deemed to be confirmed unless and until order of confirmation is passed. The Court has held:-

"45. It emerges from the consistent line of precedent of this Court that where the relevant rule or the appointment letter stipulates a condition precedent to the confirmation of service, there is no deemed confirmation of service merely because the services of a probationer are continued beyond the period of probation. It is only upon the issuance of an order of confirmation that the probationer is granted substantive appointment in that post. Rule 105(2) stipulates the satisfaction of the appointing authority as a condition precedent to the issuance of an order of confirmation. The argument advanced by the learned counsel for the first respondent that there is a deemed confirmation upon the continuation of service beyond the expiry of the period of probation is negated by the express language of Rule 105(2). In this view, the continuation of services beyond the period of probation will not entitle the probationer to a deemed confirmation of service. The High Court has erred in holding that there is a deemed confirmation where the services of a probationer are continued beyond the

expiry of the probationary period.”

13. In the present case, the petitioners were promoted as Officiating SI vide order dated 03.02.2001 which reads as:

“Subject:- Promotions to the rank of Sub Inspector of Police.

Memo:-

The following Assistant Sub Inspectors on List “E” are hereby approved for promotion as officiating Sub Inspectors of Police against existing temporary vacancies in that rank. Keeping in view the principle laid down in PPR 13.1. Their promotion will take effect from the dates as noted against their names and on reporting at their new place of posting. On promotion they are hereby posted in the districts as noted against their names:-

<i>Sr.</i>	<i>Rank, Name & No.</i>	<i>DOP as S.I.</i>	<i>From</i>	<i>To</i>
<i>1.</i>	<i>ASI Ashok Kumar, No.14/RR</i>	<i>02.02.2001</i>	<i>JJR</i>	<i>JJR.</i>
<i>2.</i>	<i>ASI Sat Parkash, No.62/RR</i>	<i>02.02.2001</i>	<i>KNL</i>	<i>KNL.</i>
<i>3.</i>	<i>ASI Yad Ram, No.178/RR</i>	<i>02.02.2001</i>	<i>SPT</i>	<i>SPT.</i>
<i>4.</i>	<i>ASI Naresh Kumar, No.70/A</i>	<i>02.02.2001</i>	<i>PPT</i>	<i>PPT.</i>

Their promotion will be subject to the decision of the Hon’ble High Court in CWP No.3830 of 2000 filed by ASI Om Parkash and others V/S State of Haryana. This should be clearly mentioned in their promotion orders and a copy of the same be sent to this office for record.”

14. Reading of aforesaid order makes it clear that there is nothing in the promotion order with respect to probationary period. The promotion order is not prescribing any condition with respect to probationary period. Rule 13.18 of PPR has prescribed maximum three years’ probationary period. There is no provision for extension of said

period. On the conclusion of original or extended probationary period, the Competent Authority is supposed to either confirm the probationer or revert him. There is no condition of passing a test for the purpose of confirmation or recording of satisfaction by Competent Authority to the effect that Officer has satisfactorily completed probationary period. In the absence of these conditions, case of petitioners is covered by judgments of Hon'ble Supreme Court in *Satya Narayan Jhavar (supra)* and *Dharam Singh (supra)*. The respondent was supposed to confirm petitioners from the date of completion of probationary period. The respondent has not pointed out any Rule which provides that confirmation would be subject to availability of permanent post. Though there is no Rule prescribing that confirmation would be subject to availability of permanent post yet if it is assumed that confirmation is subject to availability of permanent post, it must relate back to date of completion of probationary period. Confirmation of SI is at Range Level, thus, there are all possibilities of discrimination between two similarly situated Officers. An Officer despite being promoted SI prior in time may be confirmed much later than a similarly situated SI working in another Range.

15. The respondents, during the course of arguments, drew attention of this Court to rule 13.14 of PPR which provides for promotion to a selection grade. Rule 13.14 reads as:

“Promotion to and in the selection grades of Sub-Inspectors.-

(1) Promotion to the various selection grades of sub-inspectors shall be made by Superintendents of Police and the Assistant Superintendent, Government Railway Police, as vacancies in the sanctioned establishment of

such appointments occur in accordance with the principle laid down in rule 13.1.

(2) No sub-inspector shall be considered eligible for promotion to a selection grade unless he has at least eight years' approved service as an upper subordinate, of which at least five shall have been in the rank of sub-inspector, and unless he is thoroughly efficient and competent to hold charge of a police station of first class importance. No Sub-Inspector who has been punished by reduction, stoppage of increment, or forfeiture of approved service for increment, shall be eligible for promotion to a selection grade. Exceptions to this rule may be made only with the sanction of the Inspector-General in recognition of distinguished service and exemplary conduct.

(3) Sub-Inspectors promoted to the 4th selection grade shall be on probation for one year and may be reverted without formal departmental proceedings during or on the expiry of the period of their probation if they fail to maintain an exemplary standard of conduct and efficiency:

Provided that the competent authority may, if it so thinks fit in any case, extend the period of probation by one year in the aggregate and pass such orders at any time during, or on the expiry of the extended period of probation as it would have passed during or on the expiry of original period of probation."

16. From the perusal of Rule 13.14(2) of PPR, it appears that it is applicable for promotion to a selection grade. The State Government vide order dated 29.04.1987 has dispensed with system of selection grade for the employees of Groups B, C and D. The effect of Government order dated 29.04.1987 is that there is no entitlement of SI or any other Police personnel belonging to Group C to claim selection grade. Rule 13.14(2) of PPR requires eight years' approved service as an upper subordinate and of which at least five years should be in the rank of SI. The said

condition seems to be applicable to selection grade, however, Supreme Court in *Suresh Kumar Versus State of Haryana, (2021) 16 SCC 91* has clarified that condition of eight years' approved service is applicable for promotion from the post of SI to Inspector despite Government order dated 29.04.1987.

In view of the aforesaid judgment of the Supreme Court, SI can claim promotion if he has eight years' approved service as an upper subordinate which must include five years in the rank of SI. The petitioners would be entitled to promotion on compliance of pre-conditions prescribed under Rule 13.14 as well as Rule 13.15 of PPR. This Court is not supposed to record findings with respect to entitlement or eligibility of petitioners for the post of Inspector. Issue before this Court is with respect to date of confirmation of the petitioners as SI which stands unanswered hereinabove.

17. In the wake of above discussion and findings, this Court is of the considered opinion that as per Rule 13.18 of PPR, the petitioners shall be deemed to be confirmed on the date of completion of probationary period. The respondent shall pass an appropriate order with respect to confirmation and consequential benefits of the petitioners within three months from today.

18. **Disposed of** in above terms.

19. Pending application(s), if any, shall also stand disposed of.

(JAGMOHAN BANSAL)
JUDGE

19.11.2025
Prince Chawla

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