



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

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LPA-2642-2025 (O&M)
Date of Decision : 28.10.2025

Azad Singh

... Appellant

Versus

State of Haryana and others

... Respondents

**CORAM: HON'BLE MR. JUSTICE ASHWANI KUMAR MISHRA
HON'BLE MR. JUSTICE ROHIT KAPOOR**

Present: Mr. Lalit Pardhan, Advocate
for the appellant.

Mr. Pankaj Middha, Addl. A.G., Haryana
for the respondents.

ASHWANI KUMAR MISHRA J. (ORAL)

CM-6650-LPA-2025

Delay of 56 days in filing the appeal has been satisfactorily explained.

Accordingly, the application is allowed and delay of 56 days in filing the appeal is condoned.

LPA-2642-2025

1. This appeal seeks to challenge the judgment of learned Single Judge dated 27.05.2025 passed in CWP No. 15386 of 2025 whereby learned Single Judge has refused to set aside the order dated 09.05.2022, rejecting petitioner's legal notice dated 02.03.2021.



2. Learned Single Judge has taken note of the facts of the case in paragraphs No. 2 to 4 of the judgment, which are reproduced as under :

“2. The petitioner was enlisted as Constable in 5th Battalion HAP, Madhuban on 24.08.1982. He passed Lower School Course and was promoted as Head Constable in September’ 1987. In February’ 1988, the respondent constituted a Special Force known as Commando Force. The petitioner came to be deputed to said force on 02.06.1988. He was promoted to the post of Assistant Sub-Inspector (‘ASI’) on ad hoc basis. He was further promoted to the post of Sub-Inspector (‘SI’) on ad hoc basis in May’ 1991. By order dated 02.08.1994, he came to be repatriated to his parent unit. He was reverted to his substantive rank i.e. Head Constable. He was promoted to the post of ASI in 2000 and SI in 2012. He was further promoted as Inspector in 2017. He submitted a representation to Director General of Police, Haryana on 18.07.2019. He served notice under Section 80 of Code of Civil Procedure, 1908 upon the respondent on 02.03.2021. He preferred CWP No.26472 of 2021 before this Court, which was disposed of vide order dated 22.12.2021 with a direction to respondent to pass speaking order within a period of four months. The respondent by order dated 09.05.2022 has rejected petitioner’s claim.

3. Learned counsel for the petitioner submits that Vijender Singh, a fellow Sub-Inspector, was absorbed in Commando Force and promoted to the rank of Inspector with effect from 09.01.2007. He was further promoted as Deputy Superintendent of Police (‘DSP’) in 2014. He retired as DSP in 2017. The petitioner like his colleague Vijender Singh deserves to be granted promotion. His promotion in Commando Force as ASI and SI needs to be considered.

4. On being asked, learned counsel for the petitioner expressed his inability to controvert that repatriation order



dated 02.08.1994 was never challenged whereas Vijender Singh opted for litigation and on account of order of this Court, he was absorbed. The petitioner cannot claim parity with Vijender Singh. He, as per his wisdom, accepted his order of repatriation. The consequences were bound to follow. It is further apt to notice that petitioner was repatriated as Head Constable and got promotion as SI as well as Inspector in his parent cadre. He started filing representations in 2019 which came to be dismissed by authorities. The claim of the petitioner is hopelessly barred by limitation.”

3. It is not in dispute that the appellant was also repatriated in the year 1994 to his parent unit. He was reverted to his substantive rank of Head Constable. The appellant was then promoted to the post of ASI in the year 2000 and Sub Inspector in the year 2012. It is after his retirement in the year 2021 that a legal notice has been served by the appellant, which came to be rejected by the order dated 09.05.2022.

4. Principle grievance of the appellant is that he was similarly placed as Vijender Singh and since he was promoted to the post of Deputy Superintendent of Police in 2014 as such similar promotion be allowed to the appellant.

5. It remains undisputed that the present appellant as well as Vijender Singh, both were repatriated to their parent unit in the year 1994. While Vijender Singh challenged his repatriation and also filed a writ petition in 1997, which succeeded, but the appellant made no such attempt to challenge his repatriation. As a matter of fact the appellant acquiesced to the order dated 02.08.1994. The appellant also accepted subsequent



assail the order dated 02.08.1994 in the garb of claiming parity with Vijender Singh. Law is well settled that those who are fence sitter and make no challenge to the adverse decision at the time when it is taken, cannot claim parity with those who were vigilant and pursue their grievances. The argument of the learned counsel for the appellant that a recurring cause would subsist in favour of the appellant, also cannot be accepted inasmuch as the decision by which the appellant is aggrieved is of the year 1994, which was never assailed at the appropriate time. Making a grievance for the first time in 2021 was therefore rightly rejected by the department. The writ petition has also been filed three years after rejection of the legal notice. Dismissal of the writ petition by the learned Single Judge in such circumstances requires no interference.

6. Letters Patent Appeal consequently fails and is dismissed.
7. All pending misc. Application(s), if any, also stands disposed of.

(ASHWANI KUMAR MISHRA)
JUDGE

(ROHIT KAPOOR)
JUDGE

28.10.2025
Satyawan

Whether speaking/reasoned : Yes / No
Whether reportable : Yes / No