

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-18160-2017
Date of Decision: 19.09.2025

PURAN CHAND...Petitioner

Versus

STATE OF HARYANA & ORS...Respondents

And

Sr. No.	Case No.	Petitioner(s)	Respondent(s)
2.	CWP-18971-2017	EASI Bhajan Lal	State of Haryana and Ors.
3.	CWP-19181-2017	EASI Jagmail Singh	State of Haryana and Ors.
4.	CWP-19130-2017	EASI Dharambir Singh	State of Haryana and Ors.
5.	CWP-19175-2017	EASI Krishan Lal	State of Haryana and Ors.

CORAM:- HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Aditya Yadav, Advocate for the petitioner
(*in CWP-18160-2017, CWP-18971-2017 and CWP-19181-2017*)

Mr. C.R. Dahiya, Advocate
(*in CWP-19130-2017 and CWP-19175-2017*)

Mr. Ravi Partap Singh, DAG Haryana

JAGMOHAN BANSAL, J. (ORAL)

1. As common issues are involved in the captioned petitions, with the consent of both sides, the same are hereby disposed of by this common order. For the sake of brevity and convenience, facts are borrowed from **CWP-18160-2017**.

2. Affidavit of Mr. Siddhant Jain, IPS, Superintendent of Police, Fatehabad on behalf of respondent No.4 is taken on record. Registry is directed to tag the same at an appropriate place.

3. The petitioner through instant petition under Article 226/227 of the Constitution of India is seeking setting aside of order dated 05.05.2015 whereby Superintendent of Police Fatehabad reviewed his seniority and rejected his claim on the ground that he was overage on 01.01.2007.

4. The petitioner was enrolled as Constable on 02.12.1987 in Haryana Police. Rule 13.7 of Punjab Police Rules, 1934 (as applicable to State of Haryana) (in short 'PPR') governs promotion from the rank of Constable to Head Constable. As per said Rule, 55% seats are meant for competitive exam, 35% seats are earmarked for seniority-cum-merit and 10% for outstanding performance. In case a Constable is having 5 years' experience and is of less than 35 years, he may participate in Lower School Entrance Test. If a Constable is more than 35 years and less than 40 years, he is considered under 35% quota. A candidate to be eligible under 35% quota is further required to have minimum 5 years' experience. Under said quota, he is required to secure minimum 31 marks. The marks are determined on the basis of service record. Service record comprises education, training courses and recommendation certificates during service. The respondent during 2002-07 selected many Constables under 35% quota on the basis of fitness instead of seniority-cum-merit, meaning thereby, seniority was thrown to winds and priority was given to fitness. Unsuccessful candidates approached this Court

which in '*Naresh Kumar Vs. State of Haryana and Ors*', CWP-7952-2004 decided on 05.11.2004, held that respondent cannot ignore seniority. State carried the matter to Hon'ble Supreme Court which dismissed the SLP. The respondent in compliance of orders of this Court in different cases decided to revise date of eligibility of Constables for promotion. Their batch number was also reconsidered. Many Constables who were ignored on account of priority to merit came to be selected for Lower School Course under 35% quota. Few by the time had already undergone Lower School Course in subsequent batches, thus, they were granted previous batch as per their eligibility. The petitioners were granted benefit on the basis of merit/fitness, thus, they were liable to be shifted to subsequent batches of Lower School Course. It is apt to mention here that seniority of Head Constables is determined on the basis of outcome of Lower School Course.

5. The respondent considered case of petitioner and found that up to 2007 he was eligible for consideration under 35% quota and w.e.f. 01.01.2007 he became overage i.e. more than 40 years, thus, could not be considered under said quota. Up to 31.12.2006 as per seniority-cum-merit parameter, he was not in the merit list despite securing minimum marks, however, on account of limited seats. He was promoted as Head Constable on 17.10.2006 whereas he was eligible for promotion in 2009 without 35% quota. In the interregnum, he underwent Intermediate School Course. He retired as ESI on 31.12.2019. He was never promoted even on the substantive rank of ASI. It is apt to mention here that all the petitioners have retired on attaining the age of superannuation.

6. Learned counsel for the parties are *ad idem* that no recovery on account of change of date of higher rank i.e. Head Constable should be effected or has been effected from the petitioners. It is also conceded that they have retired holding substantive rank of Head Constable. They might be holding local rank of higher post, however, their substantive rank is of Head Constable. There was no fault on their part when they were promoted on the basis of fitness instead of seniority. They continued to get salary of Head Constable till the date of their retirement. If their date of promotion as Head Constable is considered as originally assigned to them, they would not be getting any financial benefit. Thus, there would be no revenue loss. On account of change of their date of promotion, they have lost opportunity to get higher substantive rank. They are pleading that they would not claim any financial benefit if their original date of promotion as Head Constable is kept intact and they are granted further promotion.

7. This Court finds limited prayer of petitioners just and fair especially in view of the fact that they have passed Lower School Course as per selection made by authorities. They had discharged duties of higher rank while holding local rank. They are not claiming financial gain, however, praying for higher rank and that too after retirement. Their prayer deserves to be allowed. Accordingly, respondent is hereby directed to consider petitioners for higher rank without disturbing/considering financial claim. The impugned orders are hereby set aside. The needful shall be done within six months from today.

8. Disposed of in above terms.

9. Pending application(s), if any, also stands disposed of.

(JAGMOHAN BANSAL)
JUDGE

19.09.2025
Deepak DPA

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