

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-31381-2018
Date of Decision: 04.11.2025

Amrender Singh and Others ...Petitioners
Versus
State of Haryana and Others ...Respondents
And

Sr. No.	Case No.	Petitioner(s)	Respondent(s)
2.	CWP-29896-2017	Virender Singh and Others	State of Haryana and Others
3.	CWP-5356-2018	Ramesh Kumar	State of Haryana and Others
4.	CWP-9950-2024 (O&M)	Pardeep Kumar and Others	State of Haryana and Others
5.	CWP-18501-2024	Rajbir Singh	State of Haryana and Others
6.	CWP-19991-2024	Jagpreet Singh and Another	State of Haryana and Others

CORAM:- HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Lalit Rishi, Advocate
for the petitioner in CWP No.31381 of 2018.

Mr. Anil Kumar Sharma, Advocate and
Mr. Vikas Yadav, Advocate
for the petitioner(s)
in CWP Nos.9950, 18501 and 19991 of 2024.

None for the petitioner(s)
in CWP No.5356 of 2018 and CWP No.29896 of 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-31381-2018.

2. The petitioners through instant petition under Articles 226/227 of the Constitution of India are seeking setting of show cause notice dated 02.12.2017 whereby petitioners have proposed to withdraw *adhoc* 'Own Rank Promotion' (for short 'ORP') under amended ORP Policy dated 19.11.2013.

3. The petitioners are part of Haryana Police Force. The State Government framed ORP Policy dated 27.03.2008 which was amended from time to time. As per said policy, the Competent Authority could adorn any Police Officer with higher rank on *adhoc* basis. The official was not entitled to pay scale of higher rank. He was bound to get salary of substantive rank e.g. if a Head Constable (HC) is awarded ORP rank of Assistant Sub Inspector (ASI), he would be entitled to salary of HC though would discharge duties of ASI. The respondent promoted many officials on higher rank who were granted *adhoc* promotion. They were granted substantive rank as per their turn. One official namely Jagminder Singh approached this Court claiming that he should be granted substantive rank of promotion from the date he was granted *adhoc* promotion. His writ petition was dismissed and he preferred ***LPA-445-2014*** which came up for consideration before a Division Bench of this Court. LPA was dismissed and Court further observed that police officials to whom regular promotions have been granted on the basis of so called acts of bravery should be reconsidered. The State Government in all such cases where it is found that undue favour has been shown, benefit be withdrawn after observing principles of natural justice. Relevant extracts of order dated 23.02.2015 passed in ***LPA-445-2014*** read as:

“We have heard learned counsel for the parties and gone through the record.

In our considered view, the learned Single Judge has rightly held that the appellant after his ad hoc promotion in his own rank and pay never felt aggrieved against the same. Meanwhile, he got regular promotion as Sub-Inspector as per his turn and seniority and at no point of time he raised claim for retrospective promotion from the year 2002. As regard, to the orders passed in 2010, we are of the considered view that 'sports persons' constitute an altogether different and special category and the appellant can claim no parity with them. The endeavor of the authorities to promote sports through varied incentives including out of turn promotion etc are fully justified.

As regards to those police officials to whom regular promotions have been granted on the basis of so called acts of bravery, we would have struck down such an ex facie illegal action if the police officials were party respondents or any challenge was made to these glaring examples of favoritism. The manner in which trivial matters which are a part of routine duty are projected as an event of bravery to breed nepotism and favoritism deserves to be strongly curbed to boost morale and discipline - both in the police force. We direct the State Government to review all such cases and where-ever it is found that undue favour has been shown, let such benefits be withdrawn after observing the principles of natural justice.”

4. The respondent in view of aforesaid order of this Court constituted a Committee to reconsider *ad hoc* promotion granted to various officials. The Committee formed an opinion that there are many officials who have been granted ORP without being eligible. They did not comply with terms and conditions of ORP Policy. On the basis of said

opinion, the respondent issued show cause notice to different officials calling upon to show cause as to why they should not be reverted to their substantive rank of HC. Show cause notice dated 02.12.2017 issued to HC Amrender Singh reads as:

“You, HC Amender Singh No. 977/HSR (Now ORP/ASI) were promoted to the rank of ORP/ASI. Your name was recommended vide Inspector General of Police, Hisar Range, Hisar's Memo. No. 9415/A-1 dated 18.04.2014 and further approved by the Director General of Police, Haryana vide his office order No. 1130/E(III)-2 dated 12.06.2014.

2. Now the matter has been reviewed in the light of directions issued in the meeting held on 12.07.2017 under the chairmanship of Additional Chief Secretary to Government of Haryana, Home Department in which the matter related to ORP Policy has been discussed. In compliance of the Hon'ble High Court judgment dated 23.02.2015 passed in LPA 445/2014, a committee of three officers was constituted by the Director General of Police, Haryana to review all such cases of ORP from the date of formation of ORP policy dated 27.03.2008.

3. The observations/ recommendations/ suggestions made by the committee were considered and after consideration, it has been decided that all such cases in which the ORP policy was not implemented properly, Show Cause Notice shall be issued to all the beneficiaries.

4. The base for recommending your name from the rank of HC to ORP/ASI is not a valid prescribed criterion for recommending your name from the rank of HC to ORP/ASI promotion under revised ORP Policy. You were promoted as ORP/ASI on the basis of achievements in arresting the shooter Jasvir involved in case FIR No. 56 dated 21.02.2014 u/s 302 IPC & 25/54/59 A. Act PS Tosham. Hence your promotion is not with in the

provisions contained in revised ORP Policy.

5. Keeping in view of the above facts, the undersigned is of the opinion that as to wily you, ORP/ASI Amender Singh No. 977/HSR may not be reverted on your substantive rank of HC as your promotion is not with in the provision of the revised ORP Policy and still you are holding ORP Rank. However, before passing final order in this regard you are hereby called upon a Show Cause Notice as to whether the said decision may not be taken in your case ic. you may not be reverted from the rank of ORP ASI. Your reply should reach in this office within 10 days from the receipt of this notice, failing which it will be presumed that you have nothing to say in this respect and final orders will be passed, as deemed fit.”

5. Learned State counsel submits that many petitioners have already been promoted as per their turn and there are few petitioners who are still holding ORP. The respondent has issued show cause notice and no order till date has been passed. They are holding ORP on account of interim orders passed by this Court. In case of few police officials, the department has initiated proceedings alleging misconduct.

6. From the perusal of orders passed by a Division Bench of this Court, it is evident that Court was of the opinion that undue benefit granted to favourite police officials should be withdrawn. Trivial matters which are part of routine duty should not be projected as event of bravery because it breeds nepotism and favouritism. The Court has directed to consider case of police officials to whom regular promotions have been granted on the basis of act of bravery. The respondent has issued impugned notices to petitioners who have not been granted regular promotions. They have been granted ORP. The respondent *prima facie* was justified to reconsider ORP granted to all the officials. The

respondent was further duty bound to find out whether officials have been granted *adhoc* promotion on the basis of actual gallantry and as per policy dated 27.03.2008 or otherwise.

7. The respondent has issued show cause notice and in the normal course, it is found appropriate to direct the petitioners to file reply to show cause notice, however, considering the fact that petitioners were granted ORP in June' 2014 and a period of 11 years has passed away, it would not be appropriate to withdraw ORP of ASI/SI because if they are reverted to substantive rank of HC/ASI, it would be very difficult for them to work with their colleagues. The direction of Division Bench of this Court was not to disturb ORP. The respondent has already granted regular promotion to many petitioners. The Court is not oblivious of the fact that petitioners are getting salary of substantive rank.

8. In the aforestated circumstances, this Court finds it appropriate to direct respondents not to disturb *adhoc* promotion of petitioners and they would be eligible for substantive rank as per their turn.

9. ***Disposed of*** in above terms.

10. This order shall not affect any departmental proceeding pending against any petitioner alleging misconduct.

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

(JAGMOHAN BANSAL)
JUDGE

04.11.2025
Prince Chawla

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