



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

**CWP-13858-2005 (O&M)
Date of Decision: 11.02.2026**

Phool Kumar

...Petitioner

Versus

State of Haryana and Others

...Respondents

CORAM:- HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Satpal Bhasin, Advocate
for the petitioner.

Mr. Teevar Sharma, DAG, Haryana.

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of order dated 15.05.2003 whereby his representation for promotion and seniority from the date similarly situated persons were selected as Constable was rejected.

2. The petitioner pursuant to Advertisement in August' 1988 applied for the post of Constable. He qualified all the stages of recruitment and was sent for medical test. Chief Medical Officer examined him and found him medically fit for the post. Superintendent of Police ordered to re-examine his height. His height was found short by half inch, thus, was not enrolled. He filed petition before this Court which was disposed of with a direction to respondent to conduct fresh medical examination. In the fresh medical examination, he was found fit and issued appointment letter dated 02.05.1994.

3. Learned counsel representing the petitioner submits that petitioner was entitled for promotion, seniority and other service benefits from the date other candidates joined service against Advertisement of August' 1988. He could join service in 1994 because of lapse on the part of respondent.

4. *Per contra*, learned State counsel submits that petitioner joined service on 02.05.1994 and he cannot be considered at par with Constables who joined service in 1988. This Court while disposing of his writ petition did not direct respondent to consider petitioner's date of appointment at par with other candidates.

5. Heard the arguments and perused the record.

6. The petitioner pursuant to Advertisement of August' 1988 applied for the post of Constable. His candidature was rejected alleging short of height. He preferred CWP No.10566 of 1993 before this Court which was disposed of vide order dated 05.07.1994. By way of order dated 25.01.1994, the respondent was directed to constitute Board of Doctors for petitioner's re-examination. He was found medically fit and this Court on 08.03.1994 directed the respondent to take further action. The petitioner is claiming that he had prayed in his previous petition that he be issued appointment letter at par with other employees. The said prayer was not rejected by this Court. The writ petition was allowed and respondents were directed to issue him appointment letter.

7. From the perusal of orders passed by this Court in aforesaid writ petition, it is evident that there was no direction to consider petitioner's appointment from the date other candidates were permitted to

join. It is settled law that in the absence of specific direction, the prayer is deemed to be rejected. It is further apt to notice that petitioner was appointed in 1994 whereas he made representation claiming seniority in 2002. He has retired on attaining the age of superannuation on 31.03.2023. At this stage, there seems no reason to interfere with respect to issue of seniority.

8. In the wake of aforesaid discussion and findings, the instant petition deserves to be dismissed and accordingly *dismissed*.

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

(JAGMOHAN BANSAL)
JUDGE

11.02.2026
Prince Chawla

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