



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

LPA-860-2026 (O&M)
Date of Decision:30.03.2026

STATE OF HARYANA AND OTHERS

....APPELLANT(S)

VERSUS

HARSH RAWAL

...RESPONDENT(S)

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

Present: Mr. Nitin Kaushal, Addl., AG, Haryana
for the applicants-appellants.

ASHWANI KUMAR MISHRA, J. (Oral)

CM-2144-LPA-2026 (delay)

1. This application under Section 5 of the Limitation Act read with Section 151 CPC has been filed on behalf of the applicants-appellants seeking condonation of delay of 128 days in filing the instant appeal.

2. For the reasons mentioned in the application, the same is allowed and delay of 128 days in filing the instant appeal stands condoned.

Main Case (O&M)

3. This appeal is by the State of Haryana assailing the judgment of the learned Single Judge, wherein a direction has been issued to allow the petitioner to join pursuant to his selection for appointment to the post of Constable.

4. For the sake of convenience, the parties to the present appeal are referred to by their respective designations in the proceedings before the learned Single Judge. Thus, the 'appellants' are referred to as the

‘respondents’ and the ‘respondent’ is referred to as the ‘petitioner’.

5. It transpires that the petitioner had already been selected for appointment. The appointment letter was also issued after allocation of the District. The petitioner could not join on account of his implication in a criminal case, pursuant to which he was lodged in jail.

6. So far as the criminal proceedings are concerned, the learned Single Judge has taken note of the facts, as per which an FIR was lodged by the family members of the petitioner under Sections 109(1), 115, 190, 191(2), 191(3), and 351(2) of the BNS at Police Station Sanoli, District Panipat. It transpires that a cross-FIR was lodged after two days of the incident by the other side. Pursuant to the said criminal proceedings, the petitioner was arrested and lodged in jail. It also transpires that the criminal proceedings were challenged by the petitioner on the ground that the parties had ultimately resolved their differences and that it was otherwise a case arising out of a dispute between neighbours residing in the village. The proceedings were quashed by this Court, whereafter the petitioner applied for joining. However, as the maximum period specified in the appointment letter for joining was 30 days, which had expired, the respondents-State denied permission to the petitioner to join the post. It is in this context and background that the petitioner approached this Court by filing the writ petition. The writ petition has been allowed by the learned Single Judge after taking note of the facts of the case by observing as under:-

“5. From the perusal of record, it is evident that petitioner applied for the post of Constable and qualified Common

Eligibility Test. He cleared physical measurement and screening test. He was selected for the post. He came to be implicated in FIR dated 26.09.2024. The selection process concluded on 17.10.2024 i.e. date of declaration of result. He was asked to join vide letter dated 20.11.2024. At that point of time, he was in judicial custody. He was implicated in a cross case. There was fight between villagers belonging to two different political parties. First FIR was registered at the behest of family members of the petitioner and cross case was registered after two days against the petitioner and his family members. As it was case of political rivalry and misunderstanding, matter came to be amicably settled. The petitioner was released on bail vide order dated 01.04.2025 and this Court set aside FIR vide order dated 19.05.2025.

6. Rule 12.18 of PPR adverts to situation arising out of implication of a candidate in a criminal case. Learned State counsel has conceded that case of petitioner is not covered by any negative situation contemplated by said Rule. He has been denied appointment on the sole ground that he did not join within 30 days from the date of appointment letter. The underpinning of impugned order is Instructions dated 13.09.2019 issued by Under Secretary, General Administration. The Instructions noticed in the impugned order are reproduced as below:-

“2. The matter has been reconsidered by Government and in supersession of all the above instructions, the policy on fixation of minimum and maximum joining time on first or subsequent appointment through HSSC or HPSC or any other approved Recruitment Agency shall be as under:-

i. In case of fresh appointment of a candidate he may be allowed the maximum period of 30 days to join his new appointment.

ii. In case a candidate, who being already in

service in a Private or Government Organization/Department, is not able to join within 30 days or for bona-fide reasons, the competent authority may, where the administrative requirements permit, allow suitable extension of time which should not however exceed three months irrespective of duration of validity of waiting list.

iii. For women candidates who are declared temporarily unfit on account of being pregnant, the joining time may be extended upto such period as is considered necessary provided not beyond six months from the date of confinement.

iv. If a candidate who is covered under (i), (ii) or (iii) above does not join duty within the period specified above, his/her selection made by the HSSC, HPSC or any other approved Recruitment Agency, will be deemed to have been cancelled without any further notice. Necessary provision in this regard should be made by the Appointing Authorities at the time of issuance of appointment letter.

v. Where the joining time is to be extended in public interest due to short supply of candidates e.g. Doctors, Engineers, etc. the case may be sent to General Administration Department for extension beyond the period specified above.”

7. The respondent has refused to allow petitioner to join service on the basis of aforesaid instructions. The instructions are not statutory in nature. Rule 12.18 of PPR governs the situation arising out of implication of a candidate in a criminal case. The petitioner's case is not covered by negative covenant of said Rule. It is settled proposition of law that instructions are binding on authorities, however, Courts are not bound by instructions. Rule 12.18(3) of PPR specifically deals with the situation in hand and does not prescribe 30 days period to join. In the absence of statutory provision, the instructions may be treated as directory instead of mandatory besides the fact

that departmental instructions are not binding upon Courts. This Court is of the considered opinion that period of 30 days prescribed in the instructions cannot be mechanically applied. The difficulty of the candidate must be considered holistically and pragmatically. The instructions cannot be treated as sacrosanct to deny substantive benefit of appointment. It is well known fact that there is scarcity of job in the country. The petitioner has cleared rigorous selection process, thus, it would not be just and fair to deny him job opportunity on account of procedural lapse/delay.”

7. The learned State counsel fairly informs the Court that pursuant to the order of the learned Single Judge, the petitioner has already been allowed to join. It is, however, submitted on behalf of the State that the standing instructions require a selected candidate to join within a period of one month, and since such joining was not offered within the prescribed period, the State was justified in not allowing the petitioner to join the post, subsequently. It is also argued that the executive instructions were not under challenge in the present case.

8. A perusal of the record would indicate that there was no conscious failure on the part of the petitioner in joining the post. He was prevented from joining on account of his implication in a criminal case. The factual circumstances indicate that the initial FIR was lodged by the family members of the petitioner, and it was only after two days that a cross-FIR was lodged. The criminal proceedings have ultimately concluded on account of a compromise pursuant to the orders of this Court. It was immediately thereafter that the petitioner actually joined the post.

9. In such a factual situation, when the petitioner has otherwise joined pursuant to the orders of the learned Single Judge, we do not find any good ground to interfere in the matter.
10. In the peculiar facts of the case, we refrain from expressing any view on the standing instructions, insofar as the aspect of executive instructions and their applicability is concerned as we are not inclined to go into such aspects in the peculiar facts of the present case.
11. Leaving such issues open for examination in an appropriate matter, we decline to exercise our discretionary jurisdiction in the facts of the instant case.
12. We also make it clear that this adjudication shall not be treated as a binding precedent in other matters.
13. The appeal is accordingly ***dismissed***.
14. All pending miscellaneous applications, if any, also stand disposed of.

[ASHWANI KUMAR MISHRA]
JUDGE

[ROHIT KAPOOR]
JUDGE

MARCH 30, 2026
Rahul Joshi

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| 1. Whether Speaking/reasoned | Yes/No |
| 2. Whether Reportable | Yes/No |