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

**CWP-12332-2005 (O&M)
Date of Decision: 05.03.2026**

Ram Kumar and Another

...Petitioners

Versus

State of Haryana and Others

...Respondents

CORAM:- HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Dr. Suresh Kumar Redhu, Advocate
for the petitioners.

Mr. Vivek Chauhan, Addl. A.G., Haryana.

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioners through instant petition under Articles 226/227 of the Constitution of India are seeking setting aside of order dated 25.11.2004 whereby their claim has been rejected. They are further seeking direction to respondent to include their name in the B-I List.

2. This is second round of litigation. On the earlier occasion, the petitioners preferred **CWP No.42 of 2002** which was disposed of vide order dated 06.08.2004 with the following directions:

“The names of the petitioners were admittedly at Sr. Nos. 11 and 18 in the merit list prepared under Rule 13.7 of the Rules (amended vide notification dated 29.9.1995). The names of the petitioners could be entered in list B-1, only if sufficient number of vacancies were available to accommodate them. The process of selection for inclusion of Constables in list B-1 under Rule 13.7 of the Rules (notified on 29.9.1995) was to continue upto December 2001 as also already been concluded above while conducting the exercise to determine the number of vacancies relevant to the issue in hand, therefore, the

respondents must calculate/determine the number of vacancies which had become available upto 31.12.2001, specially because no further process of selection under Rule 13.7 of the Rules (notified on 29.9.1995) was conducted after the process of selection in which the petitioners had participated. The exercise already conducted (as per the affidavit dated 8.2.2004) in shortlisting the vacancies upto 30.6.2000 is, therefore, wholly irrelevant to the controversy in hand.

In view of the conclusions drawn above, the instant writ petition is allowed. A writ in the nature of mandamus is hereby issued to the respondent to require the Inspector General of Police to accord approval to the proceedings of the Promotion Committee in which the names of the petitioners have been included, subject to the condition that the same is in conformity with the selection process expressed in the said rule and also subject to the condition that there is no other material reason justifying non-approval thereof. A further direction is issued to the respondents to determine the number of vacancies from January 2000 to December 2001 and in case the vacancies are in excess of the merit position of the petitioners determined by the Departmental Promotion Committee (duly approved by the Inspector General of Police), their names shall be placed in list B-1. In the aforesaid eventuality the petitioners shall be deputed to the Lower School Course and shall also be entitled to all consequential benefits.”

3. The respondent in the Departmental Promotion Committee examined vacancy position and formed an opinion that from 01.01.2000 to 31.12.2001, 15 vacancies arose. 08 vacancies arose on account of deputation, 03 on account of transfer to other Districts and 02 on account of death. The respondent formed an opinion that vacancy arising on account of transfer, deputation, reversion and death could not be

contemplated, thus, only one vacancy arose during January’ 2000 to December’ 2001.

4. The petitioners sought information under RTI and claim that as per information received from respondent, 23 vacancies arose during January’ 2000 to December’ 2001. The petitioner preferred ***COCP No.66 of 2005*** alleging violation of judgment passed in ***CWP No.42 of 2002***. The Contempt Petition was disposed of without granting benefit to the petitioners. They have again approached this Court alleging that respondent has wrongly calculated the position. The number of vacancies which arose during January’ 2000 to December’ 2001 were more than seniority number of the petitioners in merit list.

5. Learned State counsel on being confronted with information sought by petitioners under RTI submits that Competent Authority will re-consider petitioners’ claim and if it is found that vacancies more than serial number of the petitioners were available, they would be extended claimed benefit as per order dated 06.08.2004 passed by this Court in ***CWP No.42 of 2002***.

6. ***Disposed of.***

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

(JAGMOHAN BANSAL)
JUDGE

05.03.2026
Prince Chawla

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