



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

239

CWP-22750-2025

Date of Decision: 19.02.2026

JYOTI RATHI AND OTHERS

...Petitioners

Vs.

STATE OF HARYANA AND ORS.

...Respondents

CORAM:- HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Jagbir Malik, Advocate
for the petitioners

Mr. Teevar Sharma, DAG 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 07.01.2025 (Annexure P-10) to the extent they have not been promoted to the post of Senior Scientific Assistant (Photo/Scene of Crime).

2. Petitioners No.1, 2 and 3 joined respondent as Scientific Assistant (Photo/Scene of Crime) on 21.09.2011, 10.08.2011 and 06.08.2009 respectively. Seven posts of Senior Scientific Officer (Photo/Scene of Crime) are lying vacant. The service of the Scientific Assistant is governed by Haryana Forensic Science (Group C Scientific Staff) Service (First Amendment) Rules, 1995 (for short '1995 Rules') as amended by Haryana Forensic Science (Group C Scientific Staff) Service (Amendment) Rules, 2022 (for short '2022 Rules').

3. The petitioners are claiming that as per 1995 Rules as amended, they are entitled to post of Senior Scientific Assistant (Photo/Scene of Crime) since 2013, 2014 and 2015, respectively.

4. Learned counsel for the petitioners submits that petitioners are denied promotion on the ground that Rules do not exist whereas benefit has been extended to similarly situated employees. The State Government has also asked the police authorities to consider claim of the petitioners. Learned State counsel was granted multiple opportunities to clarify stand of the Department with respect to draft rules relating to Group-C services of Forensic Science Laboratory (for short 'FSL') employees.

5. Affidavit dated 18.02.2026 of Ms. Geeta Bharti, Secretary to Government, Haryana, Home Department filed on behalf of respondent is taken on record. Registry is directed to tag the same at an appropriate place.

6. As per affidavit dated 18.02.2026 of Secretary to Government, Haryana, Home Department, the DGP vide letter dated 18.02.2026 has sent revised draft rules to Home Department. The said rules are being processed for inter-departmental consultation with regard to observations/objections raised by Finance Department and Human Resource Department. The matter would be further referred to Legal Remembrancer. Thereafter, approval from Council of Ministers would be sought. The process would take at least three months unless any unprecedented and unavoidable situation arises.

7. The affidavit reveals that matter is pending before authorities for last more than two years and as per petitioners draft rules are moving from one office to another office for last ten years. Be that as it may, the respondent is bound to consider petitioners' claim according to existing rules means Rules in force. Fate of any employee cannot be determined or kept in abeyance on the basis of Rules which have not seen light of the day. The Rules come into force from the date of notification and as per sequel of events, there is no possibility of implementation of Group-C Services of FSL Employees Rules in near future. The respondent is duty bound to consider claim of the petitioners as per existing Rules.

8. In the backdrop, the petition stands disposed of with a direction to respondent to consider petitioners' claim as per existing rules. The needful shall be done within three months from today.

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

(JAGMOHAN BANSAL)
JUDGE

February 19, 2026
Deepak DPA

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