



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

RSA-3275-2014 (O&M)

**PRINCIPAL FINANCIAL COMMISSIONER-CUM-SECRETARY,
HOME DEPARTMENT, HARYANA, CHANDIGARH AND OTHERS**

.....Appellants

Vs.

SI BAL KISHAN AND ANOTHER

.....Respondents

**Reserved on : 16.04.2026
Pronounced on: 17.04.2026
Uploaded on: 18.04.2026**

Whether only the operative part of the judgment is pronounced? **NO**
Whether full judgment is pronounced? **YES**

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. Harish Nain, Assistant Advocate General, Haryana

**Ms. Parbeen Kumari Dhaliwal, Advocate for
Mr. Gunjan Mehta, Advocate
for the respondents.**

SUDEEPTI SHARMA J. (Oral)

1. The present appeal is preferred against judgment and decree dated 22.02.2014 passed by learned Additional District Judge, Kurukshetra, whereby, appeal filed by respondents against judgment and decree dated 23.12.2013 passed by learned Civil Judge (Jr. Division), Kurukshetra vide which civil suit was dismissed, was allowed.

2. Brief facts of the case as per the civil suit are that respondents were recruited as constables in General Line of Haryana Police on 23.04.1973. Soon after their appointments, because of having knowledge of typing they were posted as teleprinter operators and were finally absorbed as teleprinter operators/constables vide order dated 21.06.1980. The personnels including the



respondents who were working on teleprinter as teleprinter operators were permanently transferred in the Telecommunication Wing of Haryana Police on 01.04.1985 in view of the notification issued by Director General of Police, Haryana dated 20.02.1984 vide which the teleprinter operators were merged in Telecommunication operators (cadre). Though the respondents were working as Teleprinter/Wireless operators in the Telecommunication wing of Haryana Police right from their initial rank of constable but they were ignored from assigning their *inter se* seniority in the wireless wing from the date of their appointment as constable. As a result, personnels junior to the respondents were promoted. They filed civil suit seeking decree from declaration that they are entitled to get their *inter se* seniority and promotion in each rank from the dates of their junior (private respondents) were granted the same with all consequential relief on the basis of oral as well as documentary evidence. Civil suit filed by them was dismissed by learned Civil Judge (Jr. Division), Kurukshetra vide its judgment and decree dated 23.12.2013. They filed appeal against the same which was allowed vide judgment and decree dated 22.02.2014 passed by learned Additional District Judge, Kurukshetra. Hence, the present regular second appeal.

3. Learned counsel for the appellants contends that learned Additional District Judge, Kurukshetra wrongly set aside well-reasoned judgment and decree dated 23.12.2013 passed by learned Civil Judge (Jr. Division), Kurukshetra and accepted the appeal filed by the respondents without appreciation of the facts and evidence on record. He further contends that learned Additional District Judge, Kurukshetra failed to appreciate the fact that the civil suit was highly belated. And learned Additional District Judge, Kurukshetra accepted the appeal only on the ground that no issue pertaining to



the suit being barred by limitation was framed by the learned trial Court, without appreciating the very fact that issue of limitation can be taken at any point of time and even in the absence of issue regarding limitation, Court has to dismiss suit if it is barred by limitation. He further contends that learned First Appellate Court totally ignored the fact that seniority cannot be challenged after lapse of reasonable period. He, therefore, prays that the present appeal be allowed.

4. In support of his arguments, he relies on the following judgments passed by Hon’ble Supreme Court:-

- i) ***B.S. Bajwa Vs. State of Punjab, 197 INSC 807;***
- ii) ***S. Shivraj Reddy(Died) through his LRs and another Vs. S. Raghuraj Reddy and others, 2024 INSC 427***

5. Per contra, Learned Counsel for the respondents contend that learned Additional District Judge, Kurukshetra has rightly accepted the appeal filed by the respondents. She, therefore, prays that the present appeal be dismissed.

6. I have heard learned counsel for the parties and perused the whole record of this case with their able assistance.

7. It would be apposite to reproduce *inter se* seniority table as well as relevant portion of judgment and decree dated 23.12.2013 passed by learned Civil Judge (Jr. Division), Kurukshetra. The *inter se* seniority table is reproduced as under:-

S. No.	Name rank & No.	D.O.E. as Const.	D.O Promotion as HC	D.O Promotion as ASI	D.O Promotion as SI	D.O Promotion as Inspr.
1	SI Bal Krishan No.958/C	23.4.73	28.11.84	12.4.1991	27.5.08	
2	SI Yash Raj No.961/C	23.4.73	16.1.85	12.4.1991	27.5.08	
3	Inspr. Raj Kumar 257/C	15.7.73	1.2.1976	12.5.1983	25.3.02	14.6.2007
4	Inspr. Raj Pal Singh, No.117/C	9.10.74	18.5.79	26.4.1989	26.5.05	18.6.2010



8. A perusal of the above referred to table relating to seniority shows that private respondents were promoted as Head Constable in the year 1976 and 1979 for the first time. The respondents were promoted as Head Constable in the year 1984 and 1985. The first cause of action to challenge the seniority accrued to the respondents in the year 1984 and 1985 whereas, the civil suit was filed in the year 2013. Still further, private respondents were promoted as Assistant Sub-Inspector of Police in the year 1983 and 1989 and the respondents were promoted in the year 1991, when the second cause of action accrued to the respondent, even then the civil suit filed in the year 2013 would be barred by limitation.

9. The relevant portion of judgment and decree dated 23.12.2013 passed by learned Civil Judge (Jr. Division), Kurukshetra is reproduced as under:-

“11. On the other hand the learned Government pleader on behalf of defendants argued that plaintiffs were absorbed on their willingness as mentioned in order No.5811 dated 19.4.1985 DGP/Haryana vide memo No.1223-27/B-3 dated 23.2.1984 had directed all range Deputy Inspectors General of Police to call options of Teleprinter Operators of their respective Ranges. After calling their options, they were absorbed in Telecom. wing as HC's and their seniority was fixed in the seniority list of HC's taking into account the date of promotion as HC and confirmation as Head Constable. The matter of seniority has already been settled by the Hon'ble High Court in CWP No.4177 of 2005 filed by HC Purshotam Singh and others vide order dated 24.5.2005. The Hon'ble Apex Court in CA No.7605-7610 of 1996 B.S. Bajwa and others Vs State of Punjab & others and CA No.2274 of 2002 Rajinder



Pal Singh Lamba Vs. Suraj Bhan and others held that after such long period settled seniority can not be disturbed. The seniority from the rank of Constable to Inspector of Telecommunication wing was prepared and sent to all district Radio officer for displaying in the Control Rooms to file objections if any. After receiving the objections, the final seniority was issued on 31.10.1995 and also submitted in the Hon'ble High Court as directed in CM No.4857 of 1995 in CWP No.6195 of 1993 titled Satyabir Singh Vs. State of Haryana. He further argued that the plaintiffs have not raised any objections at that time. Hence, at this juncture they are not entitled to crave before the court. He further argued that the plaintiffs knew typing therefore; they were posted as Teleprinter Operators. The factual position is that the plaintiffs were granted special pay of Rs.30/- by DIG/Ambala Range w.e.f. 21.6.1980 but they were absorbed as wireless operator w.e.f. 1.4.1985 from District Police, Kurukshetra and Ambala respectively. The constables who were absorbed from various units of Haryana Police in Wireless section their seniority was fixed from the date of absorption in wireless section. The plaintiffs were working as Head Constable Tele Printer Operators at the time of their absorption viz 1.4.1985 and their seniority was fixed in the rank of Head Constables. The plaintiffs have mentioned name of two officials but they have wrongly mentioned that personnel from Sr. No.3 to 8 have stolen march in their inter-se seniority. The plaintiffs have shown two private respondents namely Ins. Raj Kumar 257/C and Ins. Raj Kumar 117/C but mentioned Sr.3 to 8 wrongly. The private respondents were recruited directly in Telecom wing and gained promotions after passing prescribed



Courses. The plaintiffs were observed on their willingness in Telecom wing. It is well settled law by the Hon'ble Apex Court that the seniority in a new cadre will be reckoned from the date of absorption. The seniority of the plaintiffs and other officials has been fixed as per the directions issued by the DGP (H) vide 4235/B-3 dated 6.3.1995. He further argued that the plaintiffs are wrongly claiming the fixation of seniority from the date of enlistment, where as they were absorbed on their willingness in Telecom wing in the rank of Head Constable and their seniority was fixed from the date of absorption. The plaintiffs are not entitled to crave before the court after such a long gap of time. He further argued that the Hon'ble Supreme Court in its order dated 20.2.2002 has held that the Superintendent of Police is competent for framing rules for the post of constables and Head Constables as such the instructions dated 12.6.1991 passed by SP wireless duly approved by IGP/Tele does not suffer from any legal infirmity. The instructions dated 12.6.1991 were issued merely for the promotion of Head Constable by considering their length of service in Police department and not for reckoning seniority of the employees of Telecom wing. It is further argued that the tentative seniority list of all the Inspector, sub Inspector and ASIs working in Telecom. wing of the Police department was issued vide this office No.8760-8807/Tele dated 12.12.1994 as shown Annexure D-4 & D-5 and the plaintiffs had appended their signature on the same. However, they did not challenged that seniority in any court of law and now they are seeking interference from the court at this belated stage. It is further argued that the seniority of the employees who are absorbed in a new cadre, their seniority is



fixed from the date of their absorption. The legal notice served by the plaintiffs were considered and filed as the same was found devoid of merits. Since the seniority of the plaintiffs and other officials was finalized in the year 1994 and circulated to all concerned officials. The DGP(H) vide memo No.1223-27/B-3 dated 23.2.1984 had directed to all Range Deputy Inspector General of Police to call option of all the Teleprinter Operators of their willingness as such at this juncture no cause of action has arisen to the plaintiffs to crave before the court at this belated stage and prayed for dismissal of the suit.

12. It is a matter of fact that the plaintiffs were absorbed in the wireless section and if they were interested in claiming the seniority in their cadre, then they were free to opt their absorption, which was allowed with effect from 01.04.1985. It is an undisputed fact that the plaintiffs were working as Head Constable in the Tele Communication wing and their seniority was fixed in the rank of Head Constable. Here in this present case, they want to claim their seniority on the basis of wrong perception by saying that they were ignored from getting their inter se seniority in the Telecom wing from the date of appointment as Constable like the ones whose name and particulars are mentioned at serial no.3 & 4 but this fact has been pleaded wrongly because the private respondents were recruited directly in the Telecom wing and they gained promotions after passing through the prescribed courses, so no question of fixing inter se seniority arises. Like wise, the question of comparison with private respondents who were recruited directly does not arise because it is settled that seniority in the new cadre will be



reckoned from the date of absorption. In case, the plaintiffs were feeling aggrieved from any action relating to absorption, as and when they obtained their absorption i.e. in the year 1985, they were free to challenge that peculiar circumstance, but it is not understandable as to why the plaintiffs kept silent over their right for more than 25 years i.e. till the date of institution of suit on 14.08.2010. It would be pertinent to mention here that the plaintiffs were absorbed as head Constable on 01.04.1985 and instructions dated 12.06.1991 were passed for promotion of Constable to the post of Head Constable as such subsequent instructions shall certainly be not applicable to the plaintiffs. It is worthwhile to mention that the seniority of the plaintiffs and other officials were finalized in 1994 and it was circulated to the concerned officials vide Ex.D3 & Ex. D4 but still the plaintiffs never challenged their seniority and after expiry of more than 15 years from the date of circulation of seniority, the present suit has been filled without assigning any convincing reasons. It is pertinent to mention that the plaintiffs have already retired from the services. They cannot blow hot and cold at the same time while claiming their inter'se seniority, the present suit is also barred on the account of Law of Limitation. Taking into account of contentions put forth by learned counsel for the plaintiff in this case, there is no substantial material to say that plaintiffs are entitled to get inter se seniority and promotion in each rank as claimed under this case.”

10. A perusal of the above shows that learned Civil Judge (Jr. Division), Kurukshetra has categorically dealt with the evidence (documentary



as well as oral) on record and rightly held the suit to be barred by law of limitation.

11. Learned First Appellate Court accepted the appeal filed by respondents only on the ground that no issue was framed with respect to suit to be time barred and, therefore, learned trial Court could not dismiss the civil suit filed by the respondents on the ground of limitation. The same is not acceptable to this Court in view of the law laid down by Hon'ble Supreme Court in ***S. Shivraj Reddy(Died) through his LRs and another Vs. S. Raghuraj Reddy and others, 2024 INSC 427***, wherein it is held that even if plea of limitation is not set up as defence, Court has to dismiss suit if it is barred by limitation. Hon'ble Supreme Court in ***B.S. Bajwa Vs. State of Punjab, 197 INSC 807*** held that in service matters the question of seniority should not be reopened after the lapse of reasonable period because that results in disturbing the settled position which is not justifiable.

12. In view of the above, judgment and decree dated 22.02.2014 passed by learned Additional District Judge, Kurukshetra is set aside. Judgment and decree dated 23.12.2013 passed by learned Civil Judge (Junior Division), Kurukshetra is affirmed.

13. Accordingly, the present regular second appeal is ***allowed***.

14. Decree sheet be prepared accordingly.

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

17.04.2026

Saahil/Ayub

(SUDEEPTI SHARMA)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No