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

**COCP-3792-2024**
Date of decision: 07.08.2025

JOGINDER SHARMA

...Petitioner

Versus

T.V.S.N. PRASAD, IAS AND ORS.

...Respondents

**CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA**

Present: Mr. Sajjan Singh, Advocate
for the petitioner.

Mr. Harish Nain, AAG, Haryana.

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**SUDEEPTI SHARMA, J. (ORAL)**

1. The present contempt petition has been filed for deliberate and intentional disobedience of order dated 28.05.2024 (Annexure P-1), passed by this Court in CWP-2787-2018 and CWP-22713-2017, on which date the following order was passed.

> *"It is informed that no seniority list has been prepared of the State Police Service Officers and the names are being forwarded based on gradation list being prepared by the department. We find that there is no provision of preparation of gradation list under the Rules, the respondents are, therefore, restrained from sending names based on the gradation list for further promotion on higher posts."*

2. A perusal of the reply furnished by the respondents reveals that the seniority list has been prepared as per rules and not on the basis of gradation list. Relevant paragraph Nos.5 to 9 of the said reply are extracted hereinafter.

> *"5. That otherwise also, there is no violation of order dated 28.05.2024 (Annexure P-1) passed by this Hon'ble Court in CWP No. 2787 of 2018 on the part of the answering respondents, as has been alleged by the petitioner. It is submitted that vide above said order dated 28.05.2024 (Annexure P-1), the respondents were restrained from sending names of the State Police Service Officers, based on the gradation list for further promotion on higher posts. The respondents have not sent the names of the State Police Services Officer for further promotion on the basis of gradation list. On the other hand, the seniority lists of DSsP were prepared as per the provisions of the applicable service rules as on 01.01.2020, 01.01.2021, 01.01.2022 and 01.01.2023 by the Police Department and the same were got approved from the State Government vide letter dated 27.08.2024. A copy of the letter dated 27.08.2024 is annexed herewith as Annexure R-1. Thereafter, the names of the State Police Services Officer were sent for further promotion on the basis of the said seniority lists duly approved by the Government. Hence, there is no violation of the direction dated 28.05.2024 (Annexure P-1) on the part of the answering respondents, as has been alleged by the petitioner.*
>
> *6. That the deponent wants to crave the indulgence of this Hon'ble Court to the following relevant aspects of the case:-*
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> *2002 The services of the State Police Service Officers/Deputy Superintendents of Police (DSsP) are governed by the Haryana Police Service Rules, 2002 (for brevity Rules, 2002). The relevant part of rules 10 and 12 of the said Rules, 2002 are as under:-*

*"Probation of Member of Service*

***10.****(a) Members of the Service shall be on probation for a period of two years, which shall include the period of training at the Police Training College and in the district and in the case of members appointed by promotion the Government my, by a special order in each case, permit period of officiating appointment in the Service to count towards the period of probation. Completion of probation will not entitle a member of Service for confirmation. Confirmation in Service shall be made of the basis of seniority and availability of vacant permanent post.*

*(b) The Service of a member recruited by direct appointment may be dispensed with by Government of his failing to pass the final examination at the end of this period of training, or on his being reported on, during or at the end of this period of probation, as unfit for appointment:*

*Provided that the Government may, if it deems fit, extend the period of probation by not more than one year.*

*(c) The Director General of Police, Haryana, may require any member of the Service on probation appointment by promotion from the rank of an Inspector to undergo a special course of training and to pass the prescribed examination in the any subject or subjects, including a compulsory languages in which his qualification may be defective. Any such probationer failing to pass the examination prescribed for him or being unfavorably reported on, can be reverted to his substantive rank of Inspector.*

***Seniority of Members of Service:***

*12. The seniority of the members of the Service shall*

*be determined by the date of confirmation in the Service:…*

***Power of Relaxation***

*18. Where the Government is of the opinion that it is necessary or expedient to do so, it may, by order, for reasons to be recorded in writing, relax any of the provisions of these rules with respect to any class or category of persons."*

*As per above rule-10, confirmation in service can be made on the basis of seniority and availability of vacant post and as per rule-12 of the Rules, 2002, the seniority of members of service shall be determined by the date of confirmation in service.*

*04.09.07 The petitioner was issued appointment letter on the post of DSP on 04.09.2007 on the basis of his achievements in the field of Sports. It was clearly mentioned in the appointment letter that his services will be governed by the Rules, 2002.*

*09.01.14 The petitioner did not complete the mandatory training as required under clause (a) of Rule-10 of the Rules, 2002 within the prescribed period of probation i.e. within two years. The petitioner completed his training on 09.01.2014 (After a period of 6 years 3 months from the date of joining).*

*Jan. 2018 There were 14 DSsP, who were appointed on the basis of their achievements in the field of Sports, but they did not complete the mandatory training as required under clause (a) of Rule-10 of the Rules, 2002 within the prescribed period of probation i.e. within two years. The said DSsP filed CWP No. 2787 of 2018- Mamta Kharab & Others V/s State of Haryana & Anr. challenging the rules 10 and 12 of the Rules, 2002 with the further prayer to confirm them as DSP on the date of completion of two year from the date of*

*joining or in alternate, upon completion of 3 years i.e. the maximum period of probation.*

*2020-24* *It is submitted that the vacancy position for appointment of officers from Haryana State Police Service to the Haryana Cadre of Indian Police Service is determined by the Government of India, Ministry of Home Affairs and such vacancies are filled up on the recommendation made by a Screening Committee of the Union Public Service Commission (UPSC). The process for Select Lists for the years 2020, 2021 onwards was initiated in the years 2021 and the matter remained pending due to various objections raised by the UPSC. The cases for consideration of names of officers for the Select Lists of the years 2022, 2023 were also submitted to UPSC for consideration and thus the matter regarding preparation of Select Lists of the year 2020 to 2023 for promotion of State Police Officer to IPS is now under consideration with the UPSC.*

*29.11.23* *In the meantime, the State Government filed detailed reply in the above mentioned CWP No. 2787 of 2018. Further, the State Government vide order dated 29.11.2023 confirmed the service of the said 14 DSsP including the petitioner from the date they completed their training, by giving relaxation in rule-10 regarding the maximum period of probation by exercising the powers under rule-18 of the Rules, 2002 and they were confirmed from the dates of completion of their training. A copy of the order dated 29.11.2023 is annexed herewith as Annexure R-2. The petitioner has challenged the said order dated 29.11.2023 by filing the CWP No. 262 of 2024- Joginder Sharma V/s State of Haryana & Ors., wherein, a direction was issued on 09.01.2024 that*

*promotion, if any, made from Haryana State Police Service to Haryana Cadre of Indian Police Service, would be subject to the decision of the present writ petition. The petitioner has not disclosed this fact in the present petition.*

*5.4.2024* *Since, the matter regarding preparation of Select List Government vide letter dated 04.05.2024 send the proposal to the UPSC, including the names of State Police Officers on the basis of their seniority, which was fixed from the date of their confirmation.*

*Thus, the name of the State Police Officers for promotion on higher posts were sent to the UPSC even prior to the direction dated 28.05.2024 passed by this Hon'ble Court.*

*14.05.24* *In response thereto, the UPSC vide letter dated 14.05.2024 made certain observations regarding the seniority of the State Police Officers and sought clarification in this regard.*

*28.05.24* *The above mentioned CWP No. 2787 of 2018 was listed before this Hon'ble Court, wherein, the direction dated 28.05.2024 (Annexure P-1) was issued to restrain the respondents from sending names based on the gradation list for further promotion on higher posts.*

*27.08.24* *With regard to the observations of UPSC, the Police Department examined the matter and vide letter dated 15.07.2024, the Director General of Police, Haryana sent the requisite clarification alongwith seniority lists for the years 2020 to 2023 prepared in accordance with the rule-12 of the Rules, 2002. The matter was considered by the Government and the seniority lists were approved vide letter dated 27.08.2024 (Annexure R-1). Accordingly, revised proposal alongwith all the relevant documents was*

*submitted to the UPSC for preparation of the Select List.*

*7. That so far as the averments of the petitioner regarding the order dated 05.03.2024 (Annexure P-8) for grant of relaxation in rule-12 in respect of 04 HPS officers namely Purnima, Adarshdeep Singh, Ajit Singh and Virender Singh are concerned, the same are not relevant to the issue involved in the present case, as they had already completed the mandatory training under rule-10 of the Rules, 2002 within the prescribed period and they were granted relaxation in rule-12 for fixation of seniority at par with their batchmates by exercising the power under section 18 of the Rules, 2002. Therefore, the case of petitioner is different from the case of the above said four DSSP. Moreover, the petitioner and other sports persons were also granted benefits of relaxation in rule-10 in respect of the maximum period of probation by exercising the power under rule-18 of the Rules, 2002, otherwise they could have been removed from service for not completing the probation period including the training within the prescribed period.*

*8. That the averments of the petitioner regarding illegal seniority lists forwarded by respondent No. 3 to respondent No. 2 are also without any substance, as the seniority lists were duly prepared strictly in accordance with the provisions of rule 12 of the Rules, 2002 and the seniority was assigned to the State Police Officers in accordance with the dates of their confirmation. Moreover, the petitioner, if aggrieved with the seniority lists, may take appropriate recourse in accordance with law to challenge the same, as the same is not maintainable in the present contempt petition.*

*9. That in the aforesaid background, it is submitted that the order dated 28.05.2024 (Annexure P-1) was passed in CWP No. 2787 of 2018, which was filed on the basis of the Gradation List of 2017. At that point of time, the services of the petitioners of the said writ petition were not confirmed and as such their*

*seniority could not be fixed as per provisions of Rules, 2002. Thereafter, there have been many changes in the service conditions of the petitioner including passing of order of his confirmation and approval of the seniority lists by the Government. The fact remains that the name of the State Police Services Officers have been finally sent for promotion to higher posts on the basis of their seniority, which has been fixed as per the seniority lists of the years 2020 to 2023 duly approved by Government vide letter dated 27.08.2024 (Annexure R-1) and not on the basis of the Gradation List. Therefore, there is no violation of direction dated 28.05.2024 and the present petition deserves dismissal. In alternate, as submitted above, disputed questions of facts are involved in the present case regarding the alleged violation of the direction dated 28.05.2024, therefore, it is reiterated that the present petition deserves to be clubbed with CWP No. 2737 of 2018, which is pending before this Hon'ble Court and is fixed for 07.11.2024."*

3. In view of the above, the civil original contempt petition is dismissed. The contempt is purged and rule is discharged.

**(SUDEEPTI SHARMA)**
**JUDGE**

**07.08.2025**
Ithlesh

**Whether speaking/reasoned:- Yes/No**
**Whether reportable: Yes/No**

ITHLESH KUMAR
2025.08.08 14:17
I attest to the accuracy and
integrity of this order/judgment