



CWP-7339-2001

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

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CWP-7339-2001

Date of Decision: 06.08.2025

NARESH KUMAR AND ANR

...Petitioners

Vs.

STATE OF HARYANA AND ORS

...Respondents

CORAM:- HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Ms. Eliza Gupta, Advocate
for petitioner No.1

Mr. Ravi Pratap Singh, DAG Haryana

Ms. Prabeen Kumari Dharwal, Advocate
for Mr. Gunjan Mehta, Advocate
for respondent No.4

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner through instant petition under Article 226/227 of the Constitution of India is seeking direction to respondent to consider and appoint them to the post of ASI on the basis of their sports achievement.

2. On 29.07.2025, the following order was passed by this Court:-

“The petitioners in both the writ petitions are claiming promotion to the post of ASI on the basis of their sports achievements.

During the pendency of litigation, the respondent has promoted Mr. Ramesh Kumar (petitioner No.2 in



CWP-7339-2001) to the post of ASI. The respondent in the reply has conceded that Mr. Ramesh Kumar has been promoted to the rank of ASI and his promotion was made on the basis of achievements on sports. The respondent is claiming that benefit of promotion is not granted to other petitioners because after judgment dated 04.03.1997 of this Court in CWP-14406-1996 the recruitment of ASI is made through Haryana Staff Selection Commission (in short 'HSSC'). Five posts were advertised by HSSC and petitioners did not participate, thus, they could not be assigned rank of ASI.

From the perusal of reply of respondent, it appears that respondent is trying to confuse the issue. Promotion from the rank of Head Constable to ASI is a different phenomenon from direct recruitment as ASI. The petitioners are not claiming direct recruitment as ASI whereas they are claiming promotion as ASI. The respondent has granted benefit of promotion not only to Mr. Ramesh Kumar but also to Mr. Shamsher Singh who approached this Court by way of CWP-9940-2000. The said petition was disposed of as respondent promoted Mr. Shamsher Singh from the rank of Head Constable to ASI.

Learned State counsel seeks short accommodation to clarify the position.

Adjourned to 06.08.2025.

Photocopy of this order be placed on file of the connected case."

3. During the course of resumed hearing, learned State counsel submitted that Ramesh Kumar-petitioner No.2 was appointed as probationer (ASI) vide order dated 10.11.2001. Similarly Samsheer Singh was appointed as probationer (ASI) in Haryana Armed Police, Madhuban against Sports Quota. He produced copy of order dated 10.11.2001



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passed in the case of petitioner No.2. Copy of order is taken on record. Let the same be tagged at an appropriate place. The said order is reproduced as below:-

**“FOR PUBLICATION IN HARYANA POLICE
GAZETTE PART II**

ORDER

No.21949/dated 10.11.01(.) **APPOINTMENT AS
PROBATIONER
ASITT. SUB.
INSPECTOR (.)**

In compliance with the directions of the Director General of Police Haryana Panchkula vide memo. No.23175/B(II)-3 dated 8.11.01. further endorsed to this office vide the Deputy Inspector General Haryana Armed Police Madhuban's vide endst. No.28993/12/A-5 dated 10.11.01. Head Constable Ramesh Kumar No.986/Jind S/o Sh. Rattan Singh Vill. Kirmura P.S. Agroha, Distt. Hisar is hereby appointed as Probationer Assitt. Sub. Inspector w.e.f. 10.11.01 AN in the pay scale of Rs. 4400-100-5200-EB-100-6000 P.M. against sports quota. The necessary relaxation in educational qualification to him for recruitment as P/ASI has already been accorded under rule 12.6(2)(B) of PPR 1934.

He is also exempted from producing fresh Medical Certificate as per provision laid down in the rule 3.3(4) of C.S.R. Volume-I Part-I as he was already Medically examined as the time of his recruitment as constable in the department.

Sd/-
Commandant
4th Bn. HAP, Madhuban
10-11-01”

4. Learned State counsel, on being asked, could not controvert the fact that petitioner No.2 and Shamsheer Singh were adorned with rank

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of ASI under Sports Quota without recommendation of Haryana Staff Selection Commission and there is no difference in the achievement of petitioner No.1 and 2 in sports.

5. From the perusal of record, it is evident that during the pendency of petition, the respondent has promoted/appointed petitioner No.2 as ASI under Sports Quota. He has been granted relaxation in education qualification. The petitioner No.1's claim was at par with petitioner No.2. There was no ground as well reason to give different treatment to petitioner No.1. The act of respondent seems to be manifestly arbitrary and amounts to discrimination with petitioner No.1. He is entitled to same benefit/treatment as was extended to petitioner No.2 and Shamsheer Singh.

6. In the backdrop, this court is of the considered opinion that the instant petition deserves to be allowed qua petitioner No.1 and accordingly allowed. He would be entitled to promotion from the date petitioner No.2 was promoted. He would not be entitled to arrears, however, would be entitled to notional service benefits. The needful shall be done within three months from today.

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

(JAGMOHAN BANSAL)
JUDGE

06.08.2025*Deepak DPA*

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