



CWP-262-2024-2025 (O&M) & CWP-2936-2024

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

250 (2 cases)

CWP-262-2024 (O&M)

Date of Decision: 22.09.2025

Joginder Sharma

...Petitioner

Versus

State of Haryana and others

...Respondents

With

CWP-2936-2024

Akhil Kumar

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: - Mr. Sajjan Singh Malik, Advocate for the petitioner
(in CWP-262-2024)

Mr. S.P. Arora, Advocate and
Mr. Himanshu Arora, Advocate for the petitioner
(in CWP-2936-2024)

Mr. Ravi Partap Singh, Deputy Advocate General, Haryana

Mr. Ajit Singh Lamba, Advocate and
Mr. Yashdeep Nain, Advocate
for respondent Nos.20 & 21 in CWP-262-2024

Mr. Gourav Verma, Advocate and
Mr. Vishal Walia, Advocate for respondent Nos.24, 26, 28, 30,
32, 33, 36, 38 and 41 in CWP-262-2024

Mr. Sunil Nehra, Advocate
for respondent No.37 in CWP-262-2024

JAGMOHAN BANSAL, J. (Oral)

1. As common issues are involved in the captioned petitions, with the consent of both sides, the same are hereby disposed of by this common



order. For the sake of brevity and convenience, facts are borrowed from CWP-262-2024.

2. On 04.03.2025, this Court passed the following order: -

“1. As common issues are involved in the captioned petitions, with the consent of both sides, the same are taken up for hearing together. For the sake of brevity and convenience, facts are borrowed from CWP No.262 of 2024.

2. The short question involved in the instant petitions is whether a Deputy Superintendent of Police (for short ‘DSP’) stands confirmed on completion of probation period coupled with availability of permanent vacancy.

3. The petitioner joined Haryana Police as DSP in 2007 on the basis of his achievements in sports. The State Government offered post of DSP without conducting any exam. As per normal course, a DSP is appointed by Haryana Public Service Commission. A candidate is required to clear written test as well as interview. The petitioner after joining as DSP was deputed to Haryana Police Academy, Madhuban. He did not undergo one year training at Madhuban and continued to play his game. He further did not complete training at District level. He further did not clear exam which is conducted on completion of training. In this way, the petitioner during his first two years of probation period neither underwent training at Madhuban nor training at District nor cleared written test. The respondent-State neither dismissed him from service on account of non-completion of training which was part of probation nor confirmed him. He came to be confirmed vide order dated 23.11.2023, however, w.e.f. 09.01.2014. By 09.01.2014, he had already completed service of more than six years. During the interregnum, a batch of direct DSPs came to be appointed. The members of the said batch completed their training as well as passed written test. They were confirmed on completion of training and as soon as permanent vacancy occurred. In this way, the petitioner came to be confirmed in 2014 whereas DSPs appointed in 2011 came to be confirmed prior to 2014. As per



Rule 12 of Haryana Police Service Rules, 2002 (for short '2002 Rules'), the date of confirmation is considered relevant date for the purpose of seniority. The private respondents, though appointed in 2011, came to be confirmed prior to 2014, thus, they became senior to the petitioner.

4. *The petitioner is claiming that as per policies in force, he was not supposed to undergo training and clear written test whereas he was supposed to perform in his respective game, therefore, he continued to play and did not pay attention towards training and passing written test. There was no order extending his probation period meaning thereby his probation period stood completed as soon as two years passed away from the date of his joining. The respondent-State was bound to assess his performance on the basis of his achievements in sports rather than getting training and passing test during probation period. It was the respondent who compelled him to play instead of completing training.*

5. *Mr. Sunil Nehra, Advocate appearing for private respondents submits that petitioner has filed CWP No.2787 of 2018 assailing vires of Rule 10 and 12 of 2002 Rules. In the said writ petition, the petitioner is claiming that Rule 10 and 12 of 2002 Rules are bad in the eye of law whereas before this Court he is pleading that he should be extended benefit of confirmation on the basis of Rule 10 and 12 of 2002 Rules.*

6. *Ms. Shruti Jain Goyal, Senior Deputy Advocate General, Haryana submits that petitioner as per his choice and wish did not undergo training and opted to play game of his choice. He did not play for nation and most of the time played for his own interest and income. The respondent did not dismiss him from service despite non-completion of training and passing written test because he was adorned with the post of DSP on the basis of his sports achievements. If without even completing training and passing written test, he is treated as confirmed on completion of first two years period, it would be injustice with those candidates who had undergone rigorous training and thereafter cleared written test.*



7. *There is nothing on record disclosing how the petitioner left Haryana Police Training Academy, Madhuban and District without completing training and continued to participate in international or national games. It is necessary to ascertain whether the petitioner was permitted by higher authorities to play instead of undergoing training or it was casual approach of the petitioners. Accordingly, the respondent-State is hereby directed to file affidavit disclosing movement of Akhil Kumar (petitioner in CWP No.2936 of 2024) from the date of his joining to date of confirmation.*

8. *Adjourned to 01.04.2025.*

9. *To be taken up after urgent list.*

10. *A photocopy of this order be placed on the file of connected case.”*

3. Learned counsel for the parties are *ad idem* that issue involved herein stands settled vide judgment dated 15.09.2025 passed by Division Bench of this Court in ***CWP No.2787 of 2018, Mamta Kharab and others v. State of Haryana and others*** while adjudicating validity of Rule 12 of Haryana Police Service Rules, 2002. The relevant extracts of judgment dated 15.09.2025 are reproduced as below: -

“44. Rule 10(a) of the Rules of 2002 provides a period of probation to be of two years which is to include the period of training at Police Training College and in the District. Rule 10(b) of the Rules of 2002 then provides that a DSP recruited by direct recruitment will have to pass the final examination at the end of his period of training or else his services could be dispensed with. The service of a probationer, otherwise, could be dispensed with at the end of the probation period if he/she is found unfit for appointment. The period of probation otherwise could be extended by not more than one year.

45. Rule 10 of the Rules of 2002 taken cumulatively, therefore makes it explicit that a direct recruitee to the post of DSP during probation will have to complete the training and pass the final examination on its conclusion. The concept of



probation and training, therefore, are interlinked such that the successful completion of training is indispensable for successful completion of probation under the Rules of 2002.

46. *There is a distinct purpose to be achieved by providing for successful completion of training. Unless a person has completed the period of training, he cannot be expected to satisfactorily perform the duties attached to the post of DSP. The efficiency in service is likely to be compromised if a DSP is confirmed in service without undergoing requisite training. The period of probation, therefore, has to be utilized substantially for satisfactory completion of training. There appears to be no infirmity in such Scheme contained in the Rules of 2002. Ordinarily a probationer would be expected to satisfactorily pass the final examination consequent upon his training or else his services are otherwise liable to be dispensed with under the Rules of 2002. Because period of probation includes satisfactory completion of training and clearance of final test thereafter, as such, confirmation in service cannot be automatic on completion of the period of probation or its extended term of one year.*

47. *The concept of deemed confirmation on completion of the maximum term of probation cannot be countenanced in the Scheme of the recruitment Rules of 2002, in the context of DSP appointed in the sports quota.*

48. *Law by now is well-settled that confirmation cannot be automatic on completion of probation unless the statutory rules so specified. {See:- Chairman and Managing Director, BHEL v. Vijay Kumar D, 2022 (15) SCC 792; Durgabai Deshmukh Memorial Sr. Sec. School & Anr v. J.A.J. Vasu Sena & Anr, 2019(17) SCC 157; Khazia Mohammed Muzammil v. The State of Karnataka and another, 2010 (8) SCC 155}. In the Rules of 2002 there exists no provision for automatic confirmation of a probationer.*

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55. *In the facts of the instant case, what is observed is that the petitioners in the first writ could not complete their training within the period of two years in terms of Rule 10(a)*



of the Rules of 2002 not under the extended period of one year under its proviso. Ordinarily, in such circumstances, the State would have been entitled to consider the question of continuance of such probationer in service. This is not what is done by the State and rightly so, for reasons enumerated hereinafter.

56. *The petitioners in the first petition are persons of outstanding merit in the field of sports and were performing at different events of National or International repute for the State of Haryana or the country. The State has consequently taken a decision to retain them in service. The State was cognizant of the fact that one of the reason for delay is completion of training may have been the fact that petitioners were participating at different forum representing the State or the nation. For such purposes, the State has invoked its power ostensibly under Rule 18 of the Rules of 2002. Confirmation orders have been passed in respect of the petitioners in the first writ on 23.11.2023, granting confirmation to the petitioners from the date of their satisfactory completion of training. In our view, training was an essential part to be completed by the probationers before they could be confirmed on the post of DSP. The State in our view has acted reasonably in granting the benefit of confirmation to the petitioners in first writ from the date of their satisfactory completion of training.*

57. *The mere fact that the petitioners in second writ though were appointed later, as probationer, but on account of their satisfactory completion of training earlier have been granted confirmation before the petitioners of first writ does not result in any illegal or arbitrary situation. The grant of confirmation to petitioners of second writ before the petitioners in the first writ therefore cannot be treated to be arbitrary or illegal.*

58. *Where the Court is pitted with conflicting interest between the employees and the employer and such interest are governed by Rules, the Court has to pay due regard to both the interest in light of the statutory rule itself.*



Considerations germane to the efficiency in service and job requirement would have to be necessarily factored in it.

59. *In Ram Sharan v. The Dy. Inspector General of Police, Ajmer, AIR 1964 Supreme Court 1559, the three tier system introduced in the police force resulted in some differential treatment in the case of promotions to the higher ranks. The argument about the system being violative of Article 16 was dealt with by the Supreme Court in the following words:-*

“But it is urged that this has to be balanced against considerations of efficiency which have led to the evolving of the three tier system of promotion already referred to and therefore the system should not be struck down, simply because at times it may happen that a Junior Head Constable may get promotion while a senior Head Constable in another range may have to wait. Balancing the various considerations mentioned above therefore it seems to us that the system in force in the State of Rajasthan evolved as it has been for the efficiency of the police in the State as well as for administrative convenience cannot be said of itself to deny equality before the law or to deny equality in the matter of employment in public service, even though at times it may happen, because of the system that a junior Head Constable in one range may get promotion as officiating Sub Inspector while in another range a senior Head Constable may have to wait for some time. We are therefore not prepared to strike down this system as denying equality before the law or denying equality in the matter of employment in the public service, simply on the ground of these possible cases of hardship.”

(Emphasis supplied by us)

60. *In service jurisprudence, the applicable Service Rules play an important role in determining the question of confirmation and seniority of a member of service. The consequences flowing from the applicability of Rules ordinarily cannot be taken exception to once it is found that*



the rules are intravires and its provisions are otherwise reasonable and intended to secure efficiency in service and for its proper administration.

61. In light of the analysis aforesaid, we are of the considered view that the action of the State in granting benefit of confirmation to petitioners in first writ from the date of their successful completion of training is just, legal and fair. The consequential determination of seniority also merits no interference.”

4. In the wake of statement of both sides and judgment of Division Bench of this Court in ***Mamta Kharab (supra)***, the petitions stand dismissed.

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

(JAGMOHAN BANSAL)
JUDGE

22.09.2025
Mohit Kumar

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No