



IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

FAO (OS) No. 07 of 2026

Date of decision: 21.04.2026.

State of H.P. & others ...Appellants.

Versus

Ashwani Kumar & others ...Respondents.

Coram:

The Hon'ble Mr. Justice G.S. Sandhawalia, Chief Justice.

The Hon'ble Mr. Justice Bipin C. Negi, Judge.

Whether approved for reporting?¹

For the appellants : Mr. Anup Rattan, Advocate General
with Mr. Varun Chandel, Additional
Advocate General.

For the respondents : Mr. Suneet Goel, Sr. Advocate with
Mr. Vivek Negi, Advocate.

G.S. Sandhawalia, Chief Justice (Oral):

The consideration in the present appeal is to the interim order dated 30.12.2025, passed in CMP No. 26232 of 2025 in CWP No. 2740 of 2020, titled ***Ashwani Kumar & others*** vs. ***State of H.P. & others***, whereby the learned Single Judge has directed to constitute a committee, headed by the Principal Secretary (Home) to the Government of Himachal Pradesh, being the Chairman, along with other eleven members, out of which, nine belong

¹Whether reporters of Local Papers may be allowed to see the judgment?



to the Department of Police to look into the entire gamut of making promotion of the constables to the rank of Head Constables, especially those who are discharging general duty service. The learned Single Judge has further observed that all the related issues, including those highlighted and also reports already available on the subject have to be kept in mind while making recommendations in accordance with law and the committee as such can requisition all the relevant data from quarter concerned etc.

2. Apparently, the matter was then listed on 06.03.2026 and after a period of two months. The State has chosen to file the present appeal, just before the date fixed on 02.03.2026, primarily on account of the fact that the Courts as such were closed for winter vacation. Nevertheless, keeping in view the prayer made in the writ petition, comprehensive direction as such was sought including conditions of service of police personnel as per the notification dated 5.11.2012 and the recommendations made on 16.03.2013, which had earlier been passed in view of the judgment passed in **CWP No. 3648 of 2009**



titled ***Sakshi Sharma & another vs. State of H.P. & others***, decided on 18.06.2012.

3. Apparently, in communication dated 03.06.2008, (Annexure P-6) the Director General of Police had also given his opinion as such regarding the minimum two rank promotions in the entire service career of constables and scheme as such which would not invoke any increase in the numerical strength of the department and will also not invoke any additional financial liabilities on the State exchequer. In the minutes of meeting dated 16.03.2013 (Annexure P-8) which is sought to be acted upon while filing the writ petition, various suggestions have been made that the posts of head constables be enhanced from 2866 to 2984 to remove the stagnation and also provisions to grant honorary ranks to the constables and financial incentives. The committee, however, observed that there is no stagnation and that B-1 test should be abolished and promotion should be made purely on the basis of seniority after passing the lower class course.



4. The committee also opinioned on various issues like sanction of over time allowance, facility of weekly off, special increment of higher education, reservation for the wards of police personnel in higher education, increasing the strength of women police and their welfare, matching grant for welfare of police officials, providing of residential accommodation, enhancement of fleet strength etc. and lack of training to the police personnel was also highlighted. Thus, it was the grouse in the writ petition that the main issue was either subverted/diluted or postponed on account of the opinion of the financial department or the administrative department. The stand of the State was that the promotion of the constables is being made as per Punjab Police Rules Clause 13.8 (2) and standing order dated 28.11.2013, and there was no provision for providing time bound promotions and promotions were being made against vacant vacancies.

5. It was also the stand of the State that the financial incentives under 4-9-14 of pay structure is admissible to them and stagnation has been removed to some extent, vide notification dated 27.08.2009 and the



committee had also stated that there is no stagnation. Further it is averred that 30% of the posts were to be filled up as per the said rules by promotion on the basis of seniority-cum-fitness and the constables after passing due course after rendering twenty years service and honorary Assistant Sub Inspector of police, after completing 32 years of regular service.

6. Learned Advocate General has thus submitted that procedure as such which is being followed under the Rules could not have been put to halt vide interim order dated 7.11.2025, whereby, the respondents were directed not to proceed with B-1 test, which was scheduled to be held on 9.11.2025 for 60% quota.

7. Apparently the said order has not been assailed by the State in any manner. The learned single Judge has given various reasons as such for immediately carrying out the exercise as such for re-examining entire gamut for making promotion of constables to the rank of Head constables, who are discharging general duty service. While looking into the litigation which has been coming before this Court time and again, it has been noticed that it



has been mentioned in one of the prayers or directions of Sakshi Sharma's case, specially direction No. (xvii), the condition of service for providing time bound promotion for the police personnel. The said direction on an earlier occasion reads as under:-

“xvii) Respondent-State is directed to constitute the following committee to improve the conditions of service of the police personnel:

- (a) Principal Secretary/Secretary (G.A.D), Government of Himachal Pradesh.*
- (b) The Secretary (Finance), government of Himachal Pradesh.*

The committee shall undertake the exercise the manner in which the conditions of service of police personnel can be improved by providing time bound promotions, incentives to those police personnel who improve their educational qualification, their duty hours, housing problems and over time allowances etc. The committee shall make its recommendations within a period of three months from today to the State Government. Thereafter, the State Government shall take necessary action within a further period of three months. It shall be open to the committee to make other recommendations concerning welfare of police personnel.”

8. It is thus apparent that notification dated 05.11.2012 (Annexure P-7) was issued to constitute a committee for carrying out the exercise for improving the



conditions of service of police personnel by providing time bound promotions. In such circumstances, directions have been issued by the learned Single Judge to have a re-look while noticing that very poor promotional avenues are available for the constables, as the ratio between Constables and Sub Inspectors is 1:17 and highlighted that the constables general duty as such would not have promotional avenues to another sub cadres, who have multi farious channels of promotion to the post of Head Constables. The factum that the constables after being conferred honorary title of Head Constables after rendering twenty years of service, still are required to perform the duty of the constable and only a meager amount of Rs. 80 to 200/ is paid after conferment of honorary rank. In such circumstances, necessary directions have been issued to constitute a high level committee.

9. The State itself has chosen to file the appeal at a belated stage and before the learned single Judge had given an undertaking that there would be necessary compliance of the order and for filing of the compliance



report as such and the matter has been adjourned for four weeks.

10. We are of the opinion that the present appeal preferred in such circumstances, keeping in view the overall background of the matter and that directions which have been issued by the learned Single Judge are innocuous in nature and are only recommendatory in nature only to put the department to improve the conditions as such of the constables. Needless to say that it is for the committee to again take a call to make its recommendations. In view of the constitution of the committee and the involvement of several police personnel, whose constables employment process are directly affected are in better position, to understand the grievances as such, rather than the other officers. In such circumstances, we are of the considered view that in absence of any illegality or infirmity, in the order passed by the learned Single Judge and having authored various judgments on the issues, governing Punjab Police Rules is well aware about the nature of disputes and the difficulty being faced by the police personnel, thus has issued



necessary directions, which are justified. Resultantly, we find no plausible reason to interfere in the well reasoned order passed by the learned Single Judge.

11. Keeping in view the fact that the period given has already expired, it is expected that the committee constituted now shall submit its report within eight weeks from today.

(G. S. Sandhawalia)
Chief Justice

(Bipin C. Negi)
Judge

21st April, 2026
(kck)