

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

CWP-9556-2013 (O&M)

Date of decision: 20.02.2017

Jaswinder Singh Kang

...Petitioner

Versus

Secretary to Govt. of Punjab, Department of Home Affairs, Civil
Secretariat, Punjab & others

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Manu K. Bhandari, Advocate,
for the petitioner.

Mr. Avinit Avasthi, Asstt. A.G., Punjab.

JAISHREE THAKUR, J.

The petitioner challenges the issuance of order dated 27.12.2011 (Annexure P-10) by which the petitioner has been asked to undergo Basic Recruit Training despite the fact that he had already passed the Lower School Course, which is a course higher than the Basic Training Course.

In brief, the facts are that the petitioner initially was appointed in the Indian Air Force on 28.02.1986. He was issued a Trade Proficiency Certificate by the Indian Air Force on completion of 64 weeks at Communication Training Institute Air Force on 04.09.1987. He was also awarded a Diploma in engineering in the subject of Electronic and Telecommunication on being successful in the examination. During the service rendered by the petitioner in the Indian Air Force he gained proficiency as a Radio Technician and thereafter was awarded a Trade Proficiency Certificate. The Punjab Government issued an advertisement for

making appointments as Constables in different categories. The petitioner applied pursuant to the said advertisement and was appointed by letter dated 07.03.2007 as Temporary Constable (Operator/ Messenger/ Technician). Respondent No.2 issued instructions dated 21.01.2011 by which newly recruited Constables, who came from Army / Para Military Forces, were required to undergo three months indoor training as well as three months Basic Training. The name of the petitioner was recommended for being sent to the Lower School Course by communication dated 08.03.2011 which the petitioner undertook successfully. The petitioner was thereafter directed to undergo the Basic Training Course at Punjab Police Academy, Phillaur w.e.f. 02.01.2012. Aggrieved against being sent to undergo the Basic Training Course, the instant writ petition has been filed.

Mr. Manu K. Bhandari, learned counsel appearing on behalf of the petitioner contends that the petitioner who had joined the Police Department had worked with the Indian Air Force prior to joining the Police Department and while working with the Air Force he had acquired necessary experience and certificates as Radio Technician. He was appointed as Temporary Constable (Operator/ Messenger/ Technician) and sent for the Lower School Course which he completed successfully and, therefore, the question of doing the Basic Training Course should not arise.

Per contra, learned counsel for the State contends that all recruits are required to undergo training and for recruits who have come in through the Armed Forces, the Basic Training Course has been reduced to three months which has to be undergone. It is also brought to the notice of this Court that the petitioner was deputed to undergo the Basic Training

Course at Punjab Police Academy, Phillaur and he absented himself willfully and returned to his parent unit without completing mandatory basic training course. He remained absent w.e.f. 11.10.2007 to 31.11.2007 i.e. for a period of 50 days. He was again deputed to undergo the Basic Training Course by letter dated 25.10.2010 when he submitted an application stating therein that on account of domestic circumstances he should be sent in the next batch. His name was dropped on the compassionate grounds. Inadvertently, without clearing the Basic Training Course, the petitioner was earmarked to undergo the Lower School Course and when this mistake was detected, the proceedings for cancellation of the Lower School Course was initiated by the department. On consideration of the fact that he had completed the Lower school course instead of cancelling the same, it was decided by the department that petitioner should be given an opportunity to qualify the Basic Training Course.

I have heard learned counsel for the parties and have gone through the records carefully.

Rule 19.1 of the Punjab Police Rules, 1934 prescribes that the basic training course has to be undergone and only those meritorious would then become entitled for further promotion in accordance with Rule 19.2 of the Punjab Police Rules. The petitioner herein, admittedly, has not undergone the Basic Training Course as provided for under the instructions issued from time to time. A specific provision has been made under the aforementioned instructions wherein the period of Basic Training course for a person coming from the Armed Forces has been reduced to a three months Basic Training Course with a three months Job experience working at the

department. Inadvertently, respondents themselves allowed the petitioner to proceed to the Lower School Course which a person can attend on completing the Basic Training Course. The fault at the very outset can be attributed to the negligence of the department. Having successfully completed the Lower School Course, should the said certificate be cancelled primarily on the ground that the petitioner has not completed the Basic Training Course? A perusal of Annexure P-6 shows that syllabus for the Basic Training Course pertains to the subject Computer (written and practical), knowing computer, Operating systems, MS Office, MS Power Point, MS Excel, Application & Software about the computer, Communications using the Internet, Networking Terminology and Devices, Web & Software Terminology, Cyber Crime, Data Storage Devices and printers etc. the petitioner herein has been appointed as a constable (Operator/ Messenger/ Technician). It cannot be lost sight of the fact that the petitioner herein had already undergone similar programs and gained experience while working in the Indian Air Force. The concept of undergoing the basic Training is to acquaint a new recruit with the Systems, procedure and how to utilize the same. In the instant case, if the petitioner had undergone the similar syllabus as prescribed in the Basic Training Course with the Police Department and has now completed the Lower Course, no useful purpose will be served by sending the petitioner back to complete the Basic Training Course of three months as under the instructions dated 21.01.2011.

In view of the above, the impugned order is hereby set aside.

The petitioner had gained the similar experience while working in the

Indian Air Force and having completed the Lower School Course, this Court is of the opinion that the petitioner need not be sent back to complete the course at Phillaur but will complete the three months on the Job Training at the parent District unit. However, it is made clear that any findings given herein are not to be used as a precedent in any other case. This order has been passed in exceptional circumstances keeping in mind that the petitioner had gained similar experience while working in the Indian Air Force and had completed the Lower School Course even though he had been inadvertently sent by the department.

20.02.2017

Satyawar

**(JAISHREE THAKUR)
JUDGE**

Whether speaking/reasoned

Yes.

Whether reportable

No.