

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

- (1)

CWP No. 14172 of 2016 (O&M)
Date of decision: 29.05.2018
- Dhola Ram

...Petitioner(s)
- Versus
- State of Punjab and others

...Respondent(s)
- (2)

CWP-19216 of 2016 (O&M)
Date of decision: 29.05.2018
- Karanbir Singh

...Petitioner(s)
- Versus
- State of Punjab and others

...Respondent(s)
- (3)

CWP-4769 of 2017 (O&M)
Date of decision: 29.05.2018
- Balraj Singh

...Petitioner(s)
- Versus
- State of Punjab and others

...Respondent(s)
- (4)

CWP-23974 of 2017 (O&M)
Date of decision: 29.05.2018
- Balbir Singh and another

...Petitioner(s)
- Versus
- State of Punjab and others

...Respondent(s)
- (5)

CWP-23883 of 2017 (O&M)
Date of decision: 29.05.2018
- Lalit Kumar and others

		...Petitioner(s)
	Versus	
State of Punjab and others		...Respondent(s)
(6)	CWP-3913 of 2018 (O&M) Date of decision: 29.05.2018	
Kulwant Singh		...Petitioner(s)
	Versus	
State of Punjab and others		...Respondent(s)
(7)	CWP-5343 of 2018 (O&M) Date of decision: 29.05.2018	
Tara Singh		...Petitioner(s)
	Versus	
State of Punjab and others		...Respondent(s)
(8)	CWP-5473 of 2018 (O&M) Date of decision: 29.05.2018	
Inderjit Singh		...Petitioner(s)
	Versus	
State of Punjab and others		...Respondent(s)
(9)	CWP-7112 of 2018 (O&M) Date of decision: 29.05.2018	
Warriam Singh		...Petitioner(s)
	Versus	
State of Punjab and others		...Respondent(s)

(10)	CWP-9068 of 2018 (O&M) Date of decision: 29.05.2018	
Jai Dev Singh		...Petitioner(s)
Versus		
State of Punjab and others		...Respondent(s)
(11)	CWP-3877 of 2018 (O&M) Date of decision: 29.05.2018	
Amarjit Singh		...Petitioner(s)
Versus		
State of Punjab and others		...Respondent(s)
(12)	CWP-10080 of 2018 (O&M) Date of decision: 29.05.2018	
Balbir Singh		...Petitioner(s)
Versus		
State of Punjab and others		...Respondent(s)
(13)	CWP-1601 of 2018 (O&M) Date of decision: 29.05.2018	
Sarabjeet Kaur		...Petitioner(s)
Versus		
State of Punjab and others		...Respondent(s)
(14)	CWP-3892 of 2018 (O&M) Date of decision: 29.05.2018	
Jaswinder Singh		...Petitioner(s)
Versus		
State of Punjab and others		...Respondent(s)

(15) CWP-5559 of 2018 (O&M)
Date of decision: 29.05.2018

Kirpal Singh ...Petitioner(s)
Versus

State of Punjab and others ...Respondent(s)

(16) CWP-7702 of 2018 (O&M)
Date of decision: 29.05.2018

Harjit Singh ...Petitioner(s)
Versus

State of Punjab and others ...Respondent(s)

(17) CWP-7424 of 2018 (O&M)
Date of decision: 29.05.2018

Avtar Singh ...Petitioner(s)
Versus

State of Punjab and others ...Respondent(s)

(18) CWP-7382 of 2018 (O&M)
Date of decision: 29.05.2018

Gurmukh Singh ...Petitioner(s)
Versus

State of Punjab and others ...Respondent(s)

(19) CWP-3590 of 2018 (O&M)
Date of decision: 29.05.2018

Balwinder Singh and others ...Petitioner(s)
Versus

State of Punjab and others

...Respondent(s)

(20) CWP-8765 of 2018 (O&M)
Date of decision: 29.05.2018

Muhamad Salim
...Petitioner(s)

Versus

State of Punjab and others
...Respondent(s)

(21) CWP-10282 of 2018 (O&M)
Date of decision: 29.05.2018

Pushwinder Singh
...Petitioner(s)

Versus

State of Punjab and others
...Respondent(s)

(22) CWP-9673 of 2018 (O&M)
Date of decision: 29.05.2018

Suresh Kumar
...Petitioner(s)

Versus

State of Punjab and others
...Respondent(s)

(23) CWP-3637 of 2018 (O&M)
Date of decision: 29.05.2018

Harjit Singh and others
...Petitioner(s)

Versus

State of Punjab and others
...Respondent(s)

(24) CWP-4438 of 2018 (O&M)
Date of decision: 29.05.2018

Kulwant Singh
...Petitioner(s)

Versus

State of Punjab and others

...Respondent(s)

(25)

CWP-11641 of 2018 (O&M)

Date of decision: 29.05.2018

Ajaib Singh

...Petitioner(s)

Versus

State of Punjab and others

...Respondent(s)

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present:- Mr. K.G. Chaudhry, Advocate for the petitioner(s),
in CWP -14172-2016, CWP- 4769, 23974-2017,
CWP-3913, 5473, 3877, 10080, 1601 and 3637-2018.

Ms. Pushpinder Kaur, Advocate for
Ms. G.K. Mann, Advocate for the petitioner(s),
in CWP-19216-2016.

Mr. Vikram Bali, Advocate for the petitioner(s)
in CWP-23883-2017, CWP-5343 and 9068-2018.

Mr. B.S. Jaswal, Advocate for the petitioner(s)
in CWP-7112-2018.

Mr. Harsh Chopra, Advocate for the petitioner(s)
in CWP-3892, 5559, 7424, 7382, 3590, 8765,
9673, 4438 and 11641-2018.

Mr. Nikhar Baranwal, Advocate for
Mr. J.S. Dadwal, Advocate for the petitioner(s)
in CWP-7702-2018.

Mr. Anant Kataria, Advocate for the petitioner(s)
in CWP-10282-2018.

Ms. Sudeepti Sharma, Addl. A.G., Punjab

Ms. Bhavna Gupta, Advocate
for respondent-PSPCL in CWP-14172, 19216-2016 and
CWP-4769-2017.

Mr. Hittan Nehra, Advocate

for respondent-PSPCL in CWP-23883 and 23974-2017.

Mr. Sahil Sharma, Advocate
for respondent-PSPCL in CWP-10080-2018.

Ms. Monica Chhiber Sharma, Advocate
for respondent-PSPCL in CWP-3913, 3877, 1601, 3892,
3590, 4438 and 11641-2018.

Mr. H.S. Sethi, Advocate
for respondent-PSPCL in CWP-7112, 7382, 5473,
5343, 7424, 5559, 9068, 9673 and 8765-2018.

Mr. RBS Chahal, Advocate
for respondent-PSPCL in CWP-3637-2018.

None for the respondent-PSPCL in CWP-7702-2018.

None for the respondent-PSPCL in CWP-10282-2018.

Jitendra Chauhan, J. (Oral)

By way of this common order, a batch of 25 writ petitions mentioned above are being decided as issue involved in the petitions is common.

By way of instant writ petition(s), under Articles 226/227 of the Constitution of India, the petitioners seek issuance of a writ in the nature of certiorari for quashing the impugned order(s) qua the petitioner (s) passed by respondent No.3 whereby the petitioners have been reverted and repatriated to their parent department in clear violation of Articles 14 and 16 of the Constitution of India being arbitrary and discriminatory and also in violation of principles of natural justice.

In brief, the petitioners were recruited as Constables in Punjab Police in different districts and they were transferred to Anti Power Theft Police Station, PSPCL in different districts of State of

Punjab on deputation and since then they have been working with PSPCL for the last about 10 years. The petitioners were granted the rank of ASI/LR (ORP) and further, some of the petitioners have been promoted to higher posts like Sub Inspector or Inspector and now they have been repatriated to their parent department by the respondent on administrative grounds.

Learned counsel for the petitioner(s) have submitted that the respondents in an arbitrary manner has ordered to repatriate the petitioners to their parent department and the local rank given to them has been ordered to be withdrawn which has caused loss of status and injustice to the petitioners. Some of the petitioners have been promoted as Sub Inspector/Inspector and now by virtue of repatriation order, they have been demoted to the rank of Constable/Head Constable. Learned counsel(s) further state that a number of similarly situated persons who are junior to the petitioners have been allowed to continue in PSPCL and the respondents have adopted the pick and choose policy which is not sustainable in law.

On the other hand, learned counsel for the respondent(s)-PSPCL submit that the petitioners were given the benefit of ORP during their tenure with PSPCL and the said benefit was granted by the PSPCL at its own level. The petitioners were never granted the said benefit by their parent department at any stage and they have been repatriated to the parent department on administrative grounds. It is further submitted that as per the rules, the maximum period of deputation is three years and it

can only be extended upto 5 years in exceptional cases. The competent authority has repatriated all the employees who have completed three years period of deputation upto 30.04.2018 and now there is no employee who has completed three years service on deputation except the employee who have already been repatriated but are continuing under the interim order passed by this Court.

I have heard learned counsel for the parties(s) and perused the record with their able assistance.

The petitioners have challenged their orders of repatriation whereby they have been sent to their parent cadre on the ground that the employees with longer stay on deputation have been retained and the repatriation order has been passed by adopting the pick and choose method. The petitioners are regular employees of Punjab Police and had been working on deputation in PSPCL, whereby the deputation period is fixed for one year as per instructions dated 12.01.1983 issued by PSPCL. The said period of one year can only be extended by giving two years extension and in exceptional cases, it can be further extended upto five years. Some of petitioners were on deputation for the last more than five years and were given the ORP rank while they were on deputation with PSPCL. The argument of learned counsel for the petitioner(s) that the respondents have adopted the pick and choose policy is negated in view of the stand of respondent-PSPCL whereby all the employees who have completed three years on deputation have been repatriated except the employees who are continuing under the shelter of interim orders passed

by this Court. It is to be noticed that the petitioner(s) are on deputation for a specified time and after the expiry of the period, the employee has to return to his/her parent department to occupy the same position. The ORP rank has been given to the petitioner(s) by the PSPCL alone whereas according to the Punjab Police Rules, the Director General of Police alone has the power to grant local rank to non gazetted police officials wherein it has been stated that the local rank referred in sub rule (1) shall, in the first instance be granted for a period not exceeding six months which may from time to time be extended for each such extension and the officer holding a local rank shall not be entitled to any extra pay and allowances for holding such rank and shall not be entitled to claim any seniority over other enrolled police officers by virtue of having held such a rank. The petitioners who were on deputation cannot be merged while on deputation in secondary department. Respondent No.2 being parent department has rightly repatriated the petitioners and there is no illegality in the action taken by the respondents.

From the above facts and circumstances of the case, this Court finds no merit in the instant petition(s) and the same are hereby dismissed.

29.05.2018

sumit.k

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :
Whether Reportable :

Yes	No
Yes	No