

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.3640 of 2017(O&M)
DECIDED ON : 12.03.2020

Amarjeet Singh

...Petitioner

versus

State of Punjab and another.

...Respondents

CORAM : HON'BLE MR. JUSTICE GIRISH AGNIHOTRI

Present : Mr. D.S. Kahlon, Advocate
for the petitioner.

Mr. Rajesh Bhardwaj, Sr. DAG, Punjab.

GIRISH AGNIHOTRI, J. (ORAL)

Petitioner-Amarjeet Singh, has filed the present writ petition, *inter alia*, with a prayer to quash/set aside the office order/notification dated 17.02.2016 (Annexure P-2).

The pleaded case of the petitioner is that the office order/notification dated 17.02.2016 had been passed by the Director General of Police, Punjab, Chandigarh i.e. respondent No.2, whereby the respondent No.2 had amended the previous order dated 08.02.2005 and given the one step up to local rank of the employees having the qualification mentioned in the order.

Notice of motion in this case was issued on 23.02.2017. Reply dated 06.09.2017 has been filed by Sh. Tulsi Ram, IPS, DIG/Admn, Punjab, wherein it has been submitted that the issue has been re-examined and it was found that the order/notification dated 17.02.2016 was issued inadvertently. Para 2 and 3 of the reply is reproduced herein:-

“2. That it is respectfully submitted that issue of granting one Local rank on educational basis has been re-examined it has been found that the order/notification dated 17.2.2016 (Annexure P-2) was issued inadvertently as the earlier order No.3952-4051/E-6 dated 8.2.2005 was stayed by the Hon'ble High Court in CWP No.10033 of 2009 titled as HC Baljinder Singh No.1826/W others Vs State of Punjab vide order dated 31.08.2010 (Annexure R-1). The order of the Hon'ble Court is as under:-

“Despite the fact that on 9.8.2010 we have recorded in order on the basis of letter dated 31.5.2010 that no local rank would be given w.e.f. 1.6.2010 and also a request has been circulated to all the Heads of Police Offices in the State of Punjab not to send any recommendation for grant of local rank, memo dated 27.8.2010 (Annexure R-7) has been placed on record showing that local rank has been extended for a further period of six months till 28.2.2011 under Rule 13.2-A of the Punjab Police Rules. When we confirmed Mr. Piyush Kumar Jain about the aforesaid order, he made an attempt to distinguish between the grant of local rank to new officer than extension to be accorded to the one who have got it already.

We are unable to accept the aforesaid distinction. Accordingly, it is directed that the operation of the impugned order dated 27.8.2010 (Annexure R-7) and order dated 30.8.2010 (Annexure R-8) granting local rank to 95 officers, shall remain stayed.”

3. That in view of the stay order dated 31.8.2010 (Annexure R-1), the Instructions dated 17.2.2016 (Annexure P-2) have been withdrawn vide order No.8301-70/E-3(4) dated 19.6.2017 (Annexure R-2) so the petitioner has no cause of action for granting him

*Local Rank on the basis of letter dated 17.2.2016
(Annexure P-2).*

*It is, therefore, respectfully prayed that the writ
petition filed by the petitioner may kindly be dismissed.”*

In view of the above, no further orders are called for.

At this stage, learned counsel for the petitioner submits that he
be given liberty to avail other remedies in a separate writ petition.

Writ petition is accordingly, disposed of, with liberty aforesaid.

(GIRISH AGNIHOTRI)
JUDGE

March 12, 2020

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Whether speaking/reasoned : YES/NO

Whether reportable : YES/NO