

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CWP No.22612 of 2020 (O&M)

Date of Decision:26.02.2021

**Rajinder Kumar**

.....Petitioner

Versus

**State of Punjab and others**

..... Respondents

**CORAM:- HON'BLE MRS.JUSTICE LISA GILL**

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

Ms. Akshita Chauhan, AAG., Punjab.

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**LISA GILL, J(Oral).**

**CM-3329-CWP of 2021.**

Replication to written statement filed by the respondents along with Annexures P-17 A to P-21, is taken on record subject to just exceptions.

Application is accordingly disposed of.

**CWP No.22612 of 2020.**

This writ petition has been filed by the petitioner for quashing order dated 03.11.2020, Annexure P-15, whereby claim of the petitioner for grant of local rank for a period of six months before his retirement as per instructions dated 29.04.2008, Annexure P-1, has been rejected.

It is submitted that the respondent-authorities had vide order dated 29.04.2008, decided to grant local rank promotion to officials three months before their retirement under Punjab Police Rules 13.2-A to boost their morale and to recognize their long service.

Subsequently local rank was decided to be granted for a period of six months instead of three months as per order dated 18.11.2015 before retirement on superannuation/ voluntary retirement. Local rank, it is submitted does not entitle the employee to any financial benefit or seniority

and is meant to merely boost the morale of the employee.

It is submitted that the petitioner was appointed as a constable in the District Police Cadre on 18.03.1985. He was transferred to the executive clerical cadre. The executive clerical cadre formed a separate cadre as per amended Rule 1.1 of Punjab Police Rules. As per Section 4 (b) of the Punjab Police Act 2007, which came into effect on 20.02.2008, all sub cadres mentioned in Rule 1.1 of the Punjab Police Rules were merged in the District Police Cadre and four cadres in the police department were provided in Section 4(b) i.e., the District Police, Armed Police, Intelligence Wing, Technical and Support Services.

Petitioner was promoted to the rank of Sub Inspector (for short 'SI') vide order dated 22.11.2013, Annexure P-3, on an adhoc basis. It is mentioned in the said order that regular promotion order would be issued after framing of service rules/ amendments of Police Act and would be subject to final decision of pending civil writ petitions.

Learned counsel for the petitioner submits that seniority of employees working in the executive clerical cadre was decided to be merged with the District Police Cadre. Consequently, number of writ petitions were filed challenging the said action. Reference is made to order dated 19.05.2017 in CWP No. 11062 of 2017, Annexure P-5, wherein it is directed that no adverse order be passed against the petitioners therein. The petitioner, it is submitted continued to work on the post of SI on adhoc basis for a period of seven years. He is due to superannuate on 28.02.2021. Petitioner sought local rank to the next promotional post, as had been afforded to a number of other persons six months prior to his retirement. Petitioner's request for local rank was declined vide order dated 03.11.2020, on the ground that promotion of local rank cannot be afforded to a person

working on adhoc basis.

Aggrieved therefrom, present writ petition has been filed.

At this stage, it is useful to refer to Rule 13.2 (A) of Punjab Police Rules, which reads as under:-

Rule 13.2 (A) as applicable to the Punjab Police Rules, reads as under:-

“13.2-A. Power to grant local rank. - (1) Notwithstanding anything contained in these rules, if the Inspector General of Police considers it necessary so to do in the interest of better functioning of the force, he may, for reasons to be recorded, grant to an enrolled police officer next higher rank as a local rank;

Provided that the grant of only a non-gazetted rank shall be permissible under this rule.

(2) The local rank referred to 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 a like period after recording reasons for each such extension.

(3) An officer of the force holding a local rank –

(a) shall exercise the command and be vested with the powers of an enrolled police officer holding that rank;

(b) shall not be entitled to any extra pay and allowances for holding such rank;

(c) shall not be entitled to claim any seniority over other enrolled police officers by virtue of having held such a local rank.”

Relevant portion of order/ instructions dated 22.05.2009 read as under:-

“2. At present recommendations for grant of Local Rank 3 months before retirement are being initiated by the Unit Head as per laid down procedure, through their respective IGs//Addl.DGsP and are decided by this office. It has been observed that this long process entails

delay depriving the beneficiary of enjoying higher rank for few months before retirement.

3. Therefore, it has been decided that henceforth all the concerned DIGs are authorized to grant local Rank from the rank of Constable to SI before retirement on superannuation/voluntary retirement on the following conditions:-

- (a) The services record of the official should be good and the integrity should not be doubtful during last eight years.
- (b) No departmental enquiry/ criminal case and vigilance enquiry is pending against him.
- (c) Police Personnel who are already holding local rank/Adhoc rank/ORP should not be given such rank.
- (d) Head Constables (PR) whose substantive rank is that of Constable shall not be eligible for such rank of ASI.
- (e) Such rank can also be granted to officials proceeding on voluntary retirement provided they have put in at least 20 years of service.
- (f) The official shall exercise the command and be vested with the powers of an enrolled Police Officer holding that rank.
- (g) The official shall not be entitled to get any extra pay and allowances for holding such rank.
- (h) The official shall not be entitled for seniority over enrolled Police Officer by virtue of having held such rank.”

Learned counsel for the petitioner argues that the petitioner is working on an adhoc basis for a period of seven long years for no fault of his own. It is only due to pendency of litigation that regular promotion has not

been afforded to him which otherwise in due course would have come his way. It is further submitted that promotion of local rank has been afforded to a number of similarly situated persons. Specific reference is made to one ASI Sardool Singh, No. 622/BTI. It is submitted that said ASI Sardool Singh belonging to the executive clerical cadre and junior to the petitioner was working on adhoc basis and he was afforded local rank before his retirement. Learned counsel further states that no inquiry etc., is pending against the petitioner and local rank has been denied wrongly only on the ground of the petitioner working on adhoc basis for no fault of his. It is vehemently argued that local rank is a mere ornamental rank to boost the morale of an employee or admittedly derives no financial benefit, seniority or any other permanent benefit.

Learned counsel for the petitioner, at this stage, submits that petitioner seeks local rank of the post of Inspector, which would only be for a short period as the petitioner is to superannuate on 28.02.2021. The petitioner, it is submitted will not seek any kind of extension and that grant of local rank can be made subject to decision of any pending litigation.

As per reply filed by way of affidavit of Sh. Naunihal Singh, IPS, Inspector General of Police, Patiala Range, Patiala, on behalf of respondents no.1 to 4, it is not denied that a number of employees were afforded local rank before retirement. Same has been withdrawn in the case of a number of employees. In the case of ASI Sardool Singh, it is admitted that local rank before retirement on 30.04.2015 was given to him, though it is mentioned that the same is under consideration.

Learned counsel for the respondents is unable to deny that the petitioner continued to work on adhoc basis as Sub Inspector (SI) since 22.11.2013 and regular promotion could not be afforded due to pending

litigation. Local rank granted to ASI Sardool Singh before his retirement in 2015 is a matter of record. Petitioner has taken a categorical stand that grant of local rank be made subject to any pending litigation and the petitioner would not raise any objection to consequent cancellation if any, besides the petitioner not being entitled to any other monetary benefit or seniority etc. In my considered opinion, the petitioner is entitled to reconsideration of his case for grant of local rank in terms of the observations as above.

Keeping in view the facts and circumstances as above, order dated 03.11.2020, Annexure P-15, is set aside and respondent no.2 is directed to reconsider the case of the petitioner and afford local rank to the petitioner for the limited period.

Writ petition is accordingly disposed of.

**26.02.2021**

s.khan

Whether speaking/reasoned : Yes/No.  
Whether reportable : Yes/No.

**[LISA GILL]  
Judge**