

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

CWP No.7833 of 2022 (O&M)

Date of Decision.19.04.2022

Ramandeep Kaur

...Petitioner

Vs

State of Punjab and others

...Respondents

CORAM:HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. GPS Bal, Advocate
for the petitioner.

Mr. Pawan Sharda, Sr. DAG, Punjab.

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JAISHREE THAKUR J.

The petitioner has approached this Court by way of filing a writ petition under Article 226/227 of the Constitution of India with a prayer for setting aside the order dated 11.04.2022 (Annexure P-1) and the order dated 22.10.2021 (Annexure P-5) whereby the petitioner, a Constable in Punjab Police, who was serving on deputation with Punjab State Power Corporation Ltd. (hereinafter referred to as PSPCL) has been ordered to be repatriated to her parent department i.e. office of the Senior Superintendent of Police, Bathinda.

In brief, the facts are that the petitioner herein joined the Police Force as Constable on 26.11.2011 and was then assigned on deputation to PSPCL on 25.05.2018. The petitioner, who had been deputed along with others, continued to work satisfactorily, however, by the impugned orders, she has been asked to go back to her parent department with immediate effect.

Learned counsel appearing on behalf of the petitioner would contend that initially 18 persons had been deputed to join PSPCL on account of acute shortage of personnel. Certain employees were directed to go back to their parent department with immediate effect on completion of three years

of deputation period, however, said orders were never given effect to. On account of shortage of staff, PSPCL was given approval to extend the deputation period of the police personnel from 3 years to 4 years. It is further submitted that PSPCL itself has addressed a letter regarding extension of the deputation period from 4 years to 5 years of police personnel, who have been sent on deputation. The grouse of the petitioner herein is that she has been singled out and is being repatriated to her parent department, while retaining services of others, who were deputed to PSPCL along with her. It is further submitted that a representation has been filed, however, despite representation, it is being proposed that she be relieved and repatriated back to her parent department vide impugned order dated 11.04.2022. It is also submitted that this pick and choose policy is against the principles of Article 14 of the Constitution of India.

At this stage, learned counsel appearing for the petitioner submits that the petitioner would be satisfied in case the writ petition itself be treated as representation on behalf of the petitioner and a decision is taken thereon by the respondents, keeping in view the fact that other similarly situated personnel, who had been sent on deputation along with the petitioner, have been allowed to continue to work with PSPCL.

Notice of motion.

Mr. Pawan Sharda, Sr. DAG, Punjab, who is present in Court, accepts notice for the respondents. Let sufficient number of copies of complete paper book be supplied to him during the course of day.

In view of the innocuous prayer made by counsel for the petitioner, this Court deems it appropriate to direct the respondents to treat this writ petition as representation on behalf of the petitioner and to consider the claim of the petitioner, keeping in view the fact that other police

personnel, who had been deputed to work with the PSPCL on deputation, have been allowed to continue work for more than four years. While deciding the representation, it is also to be kept in mind that the PSPCL has itself recommended for extending the deputation period from 4 years to 5 years. Let the aforesaid exercise be completed within a period of one month from today and the decision as taken by the respondents by passing a speaking order be conveyed to the petitioner thereafter. Till then, the impugned orders shall not be given effect to.

The writ petition stands disposed of in above terms.

(JAISHREE THAKUR)
JUDGE

April 19, 2022
Pankaj*

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No