

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.20422 of 2018 (O&M)
Date of decision:03.03.2022

Gurdeep Singh and others

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. G.S.Nahel, Advocate, for the petitioners.

Mr. Nikhil Chopra, Addl.A.G., Punjab

ANIL KSHETARPAL, J (Oral)

The petitioners are working as Head Constables and Constables in the district police. Pursuant to the enactment of Punjab Police Act, 2007, various separate cadres have been created including District Police and the Intelligence Wing. Presently, these cadres are independent of each other and the employees are not inter-transferable normally. The petitioners claim that since they have cleared the test and the interview, therefore, they are entitled to be shifted to the Department of Intelligence, Punjab.

The Senior Superintendent of Police, District Sangrur, has refused to relieve them on the various grounds enlisted in the response filed by the State.

It has been pointed out that the petitioners have been given specific training in order to fulfill the requirements in the Technical Wing i.e. CCTBS, Cyber Cell, Modern Police Control Room etc. It has further

been pointed out that there is an immense shortage of the police officials in District Sangrur therefore, it would not be in the interest of law and order to relieve the petitioners.

This Bench has heard the learned counsels representing the parties at length and with their able assistance perused the paper book.

The learned counsel representing the petitioners contends that the various other officials who were similarly situated on being relieved have been permitted to join the Intelligence Wing. He submits that the action of the respondents in refusing the permission to the petitioners is discriminatory. He further contends that the petitioners are not working on the technical posts.

It is evident from the careful reading of the affidavit filed by the Senior Superintendent of Police, District Sangrur, dated 19.10.2019, that the petitioners have been given specific training as noticed above. It has further been pointed out that the Intelligence department never sought any 'No Objection Certificate' from the district police before permitting the petitioners to participate in the process of selection.

Keeping in view the aforesaid facts, it is evident that the entire case of the petitioners is based on the plea of discrimination. However, in the written statement, the reasons for not relieving the petitioners have been specified including special training and shortage of the police force. The correctness of these assertions has not been disputed.

In view thereof, no ground to issue the writ as prayed for, is made out.

Dismissed.

All the pending miscellaneous applications, if any, are also disposed of.

March 03, 2022
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(ANIL KSHETARPAL)
JUDGE

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