

209 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of Decision : 29.05.2023

CWP-11062-2017

ASI Kawaljit Singh and others

....Petitioners

Versus

State of Punjab and another

...Respondents

CWP-10343-2017

Partap Singh and others

....Petitioners

Versus

State of Punjab and another

...Respondents

CWP-12869-2017

Ashok Kumar and others

....Petitioners

Versus

State of Punjab and others

...Respondents

CWP-13352-2017

Inder Mohan and others

....Petitioners

Versus

State of Punjab and others

...Respondents

CWP-2875-2020 (O&M)

Gurdeep Singh and others

....Petitioners

Versus

State of Punjab and another

...Respondents

CWP-2657-2022

Harbir Singh and others

....Petitioners

Versus

State of Punjab and another

...Respondents

CWP-11062-2017 and other connected cases	2
CWP-20505-2021 Harjinder Singh and others	Petitioners
Versus	
State of Punjab and another	...Respondents
CWP-11162-2015 (O&M) Dinker Sharma and others	Petitioners
Versus	
State of Punjab and others	...Respondents
CWP-22957-2011 (O&M) Kuldeep Singh and others	Petitioners
Versus	
State of Punjab and others	...Respondents
CWP-2672-2022 Mohinder Singh and others	Petitioners
Versus	
State of Punjab and another	...Respondents
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CWP-12684-2017 Paul Singh and others	Petitioners
Versus	
State of Punjab and another	...Respondents
CWP-25461-2013 Balwinder Singh and others	Petitioners
Versus	
State of Punjab and others	...Respondents

CWP-11062-2017 and **3**
other connected cases

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CWP-14083-2020
L/ ASI Surjit KaurPetitioner

Versus

State of Punjab and others ...Respondents

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CWP-11947-2021
Gurdeep Singh and othersPetitioners

Versus

State of Punjab and another ...Respondents

CWP-3650-2021 (O&M)
Naveen Kumar and othersPetitioners

Versus

State of Punjab and another ...Respondents

CWP-12751-2022
Avtar Singh and othersPetitioners

Versus

State of Punjab and another ...Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. GPS Bal, Advocate,
Mr. Dinesh Maurya, Advocate for
Ms. Sonia G. Singh, Advocate,
Mr. Arjun Pratap Atma Ram, Advocate,
Mr. Manu K. Bhandari, Advocate with
Mr. Rohit Kataria, Advocate,
Mr. K.G. Chaudhary, Advcoate,
Mr. Onkar S. Batalvi, Advocate,
Mr. Iqbal, Advocate for

Mr. K.K. Thakur, Advocate,
Mr. Rishu Mahajan, Advocate
for the petitioner(s).

Mr. Aman Pal, Addl. Advocate General, Punjab and
Mr. Aman Dhir, Dy. Advocate General, Punjab with
Dr. Sukhchain Singh Gill, IPS,
Inspector General of Police, HQ. Punjab and
Dr. S. Bhoopti, IPS, DIG, Admn.

PANKAJ JAIN, J. (ORAL)

On 18th of April, 2023, following order was passed :

“Petitioners are all working in the so called Subordinate Ranks of District Police, Armed Police, Intelligence and Technical Support services.

They have certain issues related to their promotion/seniority etc. The department while recognizing these issues vide order dated 29.07.2016 constituted a Committee to look into the said issues. In continuation of the said order dated 29.07.2016, another order dated 15.03.2023 has been placed which reads as under:-

ORDER

No. /E-1(5) dated Constitution of Committee:-

A committee was constituted vide memo no. 8149-51/E-1(3) dated. 29.07.2016, for considering the recruitment, promotion and other service conditions for few small but important units of Police Force such as Executive Clerical, Dog Handlers, Training Institute, Armourer, Band Staff, Mounted Staff, Finger print Bureau. The committee comprises of following members:-

- i. Inspector General of Police, (Chairman)
Personnel, Punjab, Chandigarh
- ii. Deputy Inspector General of Police, (Member)
Patiala Range, Patiala
- iii. Deputy Inspector General of Police, (Member)
Administration, Punjab, Chandigarh

2. In continuation of the above orders, a committee of the following officers is hereby re-constituted to examine the matter relates to above mentioned cadres/units and also examine the various Civil Writ Petition filed by the officials/petitioners regarding their Promotions/Seniority and other related matters:-

- i. Inspector General of Police, (Chairman)
Personnel, Punjab, Chandigarh
- ii. Deputy Inspector General of Police,
Administration, Punjab, Chandigarh (Member)
- Assistant Inspector General of Police, (Member)
Personnel-1, Punjab, Chandigarh

sd/-

(Gaurav Yadav, IPS)

Director General of Police, Punjab

No.2440-43/E-1(5) dated, Chandigarh: 15.03.2023”

Nothing has been placed on record w.r.t. the headway that the Committee has been able to make in the last 07 years. Now, again the Committee has been reconstituted without spelling out any progress made which apparently seems to be nothing, but a ploy to delay the issues further.

State is directed to place on record the minutes of the meetings of the meeting held by the Committee and the decision, if any, taken in the last 07 years.

Adjourned to 24.05.2023.

A photocopy of this order be placed on the files of other connected cases.”

2. Pursuant thereto, today affidavit of Gaurav Yadav, IPS, Director General, of Police, Punjab has been filed in Court, the same is taken on record. The part relatable to the issue in the present writ petitions reads as under :

“13. That against Speaking Order dated 21.04.2017, ASI Kanwaljit Singh & others filed CWP No. 11062 of 2017. In this CWP, vide order dated 19.05.2017, the Hon'ble High Court passed orders as under :

“No adverse orders be passed against the petitioners”.

14. That, the State Govt. vide its notification dated 02.02.2021 (Annexure R-8), 413 posts of Ministerial Staff in various ranks were created by abolishing 286 posts of Constables in District Cadre.

15. That, the above notification dated 02.02.2021 was challenged by SI Naveen Kumar & others by filing CWP No. 3650/2021 before the Hon'ble High Court, demanding therein to revive/restore ECC and to quash State Govt. notification dated 02.02.2021. In this CWP, on 05.04.2021, Hon'ble High Court passed the following directions:-

“Learned counsel for the State submits that the reply is ready with her and shall be filed in the Registry within two days. Learned counsel further submits that in view of the statement made by counsel for the State on 24.03.2021, status quo regarding posting of the petitioners is maintained.”

16. That, vide this office letter dated 20.05.2021 (Annexure R-9), directions were issued to all Cps & all Range IGs/DIGs to comply with the above orders related to status quo.

17. That in view of the above, it is submitted that the earlier committee could not deliberate on the issue of Executive Clerical cadre as it was taken out of the purview of the said committee, and thereafter, the issue was dealt with as per directions issued by the Hon'ble High Court from time to time, in various writ petitions.”

3. Mr. Aman Pal, Ld. Additional Advocate General however submits that if this Court finds it appropriate the Officers' Committee

can look into the issues relatable to service conditions of the Executive Clerical Cadre involved in these writ petitions and take final decision thereon.

4. Ld. Counsels representing the petitioners have accepted the aforesaid proposal. However they submit that the petitioners be granted sufficient time to pursue their legal remedy in case their grievance subsists even after the Officers' Committee has taken a final decision.

5. Finding that both the parties to the *lis* have taken a fair stand all the present writ petitions are disposed off in the following terms :

- (i) The Officers' Committee shall take call on the issues relatable to the service conditions of the Executive Clerical Cadre within a period of **12 weeks** from the date of receipt of certified copy of this order strictly in accordance with law after taking into consideration the notifications issued from time to time and the law laid down by this Court interpreting those notifications and make recommendation accordingly;
- (ii) The interim orders granted by this Court shall remain in force 'two weeks' beyond the date of final order/

decision taken by the competent authority pursuant to
recommendations made by the Officers' Committee;

(iii) The petitioners shall be entitled to supplement their
representations or to file fresh representations up to
30th of June, 2023 on the e-mail address i.e.
SUDPDTE1CPO@gmail.com; and

(iv) The final decision taken by the authority based on
recommendation made by Officers' Committee shall
be published on Website **(DIG.ADMN.POLICE@
PUNJAB.GOV.IN & PUNJABPOLICE.GOV.IN.)**.

Hard Copy thereof may not be communicated to the
petitioners individually.

6. With the aforesaid observations, present writ petitions are
disposed off.

7. This Court is sanguine that the respondents shall abide by
the time limits and take final decision strictly in accordance with law.

8. Pending application(s), if any shall also stand disposed off.

9. A copy of this order be kept on the files of other connected
cases.

May 29, 2023

Dpr

**(PANKAJ JAIN)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No