

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of decision : 18th May, 2023

CWP-23480-2015

Mander SinghPetitioner

Versus

State of Punjab and others ...Respondents

CWP-26411-2014 (O&M)

Jiwan Singh and anotherPetitioners

Versus

State of Punjab and others ...Respondents

CWP-23474-2015

Prem SinghPetitioner

Versus

State of Punjab and others ...Respondents

CWP-23317-2016

Ajay SharmaPetitioner

Versus

State of Punjab and others ...Respondents

CWP-5242-2017

Gurnam SinghPetitioner

Versus

State of Punjab and others ...Respondents

CWP-5257-2017

Sukhpreet Singh and othersPetitioners

Versus

State of Punjab and others ...Respondents

CWP-22402-2019 (O&M)

ASI LR Jasvir Singh

....Petitioner

Versus

State of Punjab and others

...Respondents

CWP-22807-2019

Jaswant Singh and another

....Petitioners

Versus

State of Punjab and others

...Respondents

CWP-19614-2020

HC (PR) Parabjit Singh

....Petitioner

Versus

State of Punjab and others

...Respondents

CWP-18584-2021

Kamaljit Singh

....Petitioner

Versus

State of Punjab and others

...Respondents

CWP-18309-2021

Kulbir Singh

....Petitioner

Versus

State of Punjab and others

...Respondents

CWP-7699-2021

ASI (LR) Hans Raj

....Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Kamaldeep S. Sidhu, Advocate
for the petitioners in rest of the cases.

Mr. D.S. Rawat, Advocate
for the petitioner in CWP-18584-2021.

Mr. Aman Dhir, Dy. Advocate General, Punjab.

PANKAJ JAIN, J. (ORAL)

The present batch of writ petitions relates to police personnel recruited as Constables but picked for handling Dogs in the Police Dog Squad and thus loosely called as Dog Handlers. Once these personnel are picked they are required to pass a course known as the Dog Handler Course.

2. The grievance raised in the present writ petitions is w.r.t. the promotion as Head Constables and the consequential benefits. The Director General of Police, Punjab vide Annexure P-6 dated 10th of December, 2013, ordered that the Dog Handler Course be equated to the Lower School Course and laid down the service conditions and guidelines for further action as under :-

- “I. All the Dog handlers who have been promoted on adhoc basis after passing the Dog handler Course from Takenpur or PPA/PHR and still performing the duties of Dog handlers may be promoted on regular basis from the date they were promoted on Adhoc Basis.
- II. If their juniors have already been promoted as ASI after

passing the Inter Mediate School Course they may also be given deemed date of promotion Dog handler who have passed Inter Mediate School Course from the date their juniors have been promoted as ASI.

III. All Constables who have passed the Dog handler course and fulfill other conditions & continue to perform their duty in Dog Squad but not promoted to the rank of Head Constable in Dog Squad may be promoted as Head Constable (Dog handler) with immediate effect.

IV. Those dog handlers promoted to the rank of ASI against General Vacancy will remain in Dog squad wing and not be shifted to or treated as District Police.”

3. Following the aforesaid order, some of the petitioners have been granted promotions but notionally w.e.f. 10th of December, 2013 vide order dated 13th of August, 2018. The claim for the arrears have been declined.

4. Mr. Sidhu, Counsel for the petitioners submits that the respondents themselves have recognized the fact that handling an animal is quite a tedious and specialized task for which the personnel are required to undergo special course and have thus rightly recognized the equivalence of that course with that of Lower School Course. He further submits that it has also been resolved by the respondents that despite earning promotions, keeping in view the nature of relationship that the petitioners enjoy with the Dog and that they remain attached to the Dog doing the same work meaning thereby

discharging same duties, the monetary benefits ought not have been denied as even after promotion there is no change in the nature of job being undertaken by the petitioners. He further submits that once the Authorities have equated Dog Handler Course to the Lower School Course, the petitioners are deemed to be on List C-1 and this is the precise mandate of Annexure P-6. He further submits that even where the personnel get further promotion he still remains along with the Dog or remain in the Dog Handling Squad. Thus promotional benefits must enure to the petitioners.

5. Mr. Rawat, Counsel appearing for the petitioner in CWP No.18584 of 2021 submits though the petitioner cleared Dog Handler Course on 8th of March, 2014 yet he has not been promoted.

6. Per contra, Mr. Dhir submits that Annexure P-6 has been issued by DGP exercising powers under Rule 13.2(1) and the same cannot have an effect of bringing the persons who have passed Dog Handler Course on List C-1 though he does not dispute the fact that despite earning promotions the petitioners who are working as Dog Handlers keep on performing the same duties.

7. In view of the above after hearing counsel for the parties this Court finds that vide Annexure P-6 the Higher Authority of the Department has already taken a conscious decision to the effect that:

(a) Dog handler is a nomenclature for any Head Constable

rank official (adhoc/regular) who has passed the Dog Handler Course and handles/trains and maintain a dog in the Dog Squad;

- (b) It is mandatory for the personnel working as a Dog Handler to undergo a specialized course of Dog Handler Course at BSF Academy Takenpur (M.P.) or at PPA Phillaur;
- (c) The Dog Handler Course at BSF Academy or PPA Phillaur is equivalent to Lower School Course for the promotion to Head Constable from the date when they successfully passed the Dog Handler Course;
- (d) The persons employed in the Dog Squad shall be treated separately for the promotion purposes; and
- (e) Even after having been promoted as Head Constable there is no change in the nature of duties of these personnel.

8. In view of above, all the writ petitions are disposed off. The personnel who have been promoted with retrospective effect are held entitled for arrears of the promotional post from the day they have been promoted as the principle of 'No Work No Pay' is not applicable keeping in view the admitted case that the promotion does not alter the nature of duties performed by Dog Handler.

9. Further respondents are directed to consider the case of other personnel who have passed the Dog Handler Course in accordance with the decision already taken vide Annexure P-6 within a period of eight weeks from the date of receipt of certified copy of this order.
10. Pending application(s), if any, shall also stand disposed off.
11. A copy of this order be kept on the files of other connected cases.

May 18, 2023
Dpr

(Pankaj Jain)
Judge

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