

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

137

CWP-27813-2023

Date of Decision: 12.12.2023

Amritpal Singh**...Petitioner**

Versus

State of Punjab and others**...Respondents****CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL**

Present:- Mr. Rajehwar Singh Thakur, Advocate for the petitioner

Mr. Aman Dhir, DAG, Punjab

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Articles 226/227 of Constitution of India is seeking setting aside of order dated 07.06.2023 (Annexure P-14) passed by respondent No.2 whereby claim of the petitioner for the post of ASI has been rejected.

2. The petitioner is a retired police official. He retired from respondent-department on 31.12.2018. The petitioner claims that while on duty on 04.07.1986, he was attacked by terrorists whilst he was taking away persons named in FIR No.68 dated 04.07.1986 registered at Police Station Tapa, District Sangrur. A DDR with respect to aforesaid incident was recorded. The petitioner as well as Head Constable Bhim Sain suffered bullet injuries. They were admitted in hospital. The respondent in 2012 has formulated policy to recognize those police officials who had suffered during terrorism in the State of Punjab.

3. Learned counsel for the petitioner submits that a committee of higher police official by impugned order dated 07.06.2023 has wrongly

rejected claim of the petitioner. Head Constable Bhim Sain was extended benefit of promotion on the basis of aforesaid terrorist attack, however, the petitioner has been deprived from the benefit of promotion.

4. *Per contra*, learned State counsel submits that the alleged incident took place in 1987 and from the record it cannot be concluded that petitioner suffered injuries in terrorist attack. The benefit of promotion to Head Constable Bhim Sain was extended on the basis of exam cleared by him.

5. I have heard the arguments of learned counsels for both sides and perused the record with their able assistance.

6. This Court vide order dated 09.02.2023 (Annexure P-13) passed in *CWP No.13268 of 2018* directed the respondents to consider case of the petitioner in terms of the policy. The matter was referred to the committee constituted in terms of the policy. The committee has considered the claim of the petitioner and passed impugned order. The relevant extracts of the impugned order dated 07.06.2023 read as:

“Recommendations of the Committee:

A perusal of the above mentioned documents and after hearing the petitioner in person, it is found that the accused in FIR No.68 were not related to drug trafficking. Also, the accused in both the above mentioned categories did not fall under terrorist category. Neither the action of the police fails under the category of terrorist action. As far as claim of parity of the petitioner with Bhim Sain is concerned, the same is misplaced and misconceived. Bhim Sain was enlisted as Constable dated 01.12.1975, C-1, 01.10.1983 and regular HC 08.10.1984 (revised 08.10.1984) and he was never promoted to the rank of ASI & he expired in road accident on 02.08.2000. In view of the circumstances explained above, the claim of the petitioner lacks merits and is hereby rejected. A copy of the

recommendations along with the reasoning be sent to the petitioner and all concerned quarters for further necessary action.”

7. From the perusal of recommendations of the committee, it comes out that claim of the petitioner has been rejected on the ground that there was no terrorist attack on the petitioner. The case of the petitioner does not fall under terrorist action category. The petitioner is relying upon DDR No.28 dated 04.07.1986 which was recorded in FIR No.68 dated 04.07.1986. This Court, from the perusal of DDR, is unable to form an opinion contrary to the opinion of the committee. The committee, which consisted of senior police officials of the department, has recorded categoric findings. The claim of the petitioner, if any, is a disputed question of fact. There are findings of the committee. This Court does not find it appropriate to form any opinion contrary to the opinion already formed by the committee especially when there is no concrete evidence compelling this Court to invoke its extraordinary writ jurisdiction.

8. In view of above facts and findings, this Court is of the considered opinion that present petition being bereft of merits deserves to be dismissed and accordingly dismissed.

(JAGMOHAN BANSAL)
JUDGE

12.12.2023
Mohit Kumar

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