

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

Neutral Citation No. 2024:PHHC:041928-DB

(108)

LPA-332-2024 (O&M)

Decided on : 22.03.2024

Amritpal Singh

.....Appellant(s)

Versus

State of Punjab and others

.....Respondent(s)

**CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA,
ACTING CHIEF JUSTICE
HON'BLE MS.JUSTICE LAPITA BANERJI**

Present: Mr. Rajeshwar Singh, Advocate for the appellants.

Mr. Saurav Khurana, Additional Advocate General, Punjab.

G.S. Sandhawalia, Acting Chief Justice (Oral)

Consideration in the present letters patent appeal is sought of the judgment of the learned Single Judge dated 12.12.2023 passed in **CWP-27813-2023 ‘Amritpal Singh Vs. State of Punjab’ and others’**, wherein the Learned Single Judge has dismissed the writ petition.

2. The relief sought in the writ petition by the writ petitioner was for quashing the order dated 07.06.2023 (Annexure P-14) passed by respondent No.2, whereby the claim of the appellant for the post of ASI had been rejected. The claim was based on the fact that the appellant had participated in the terrorist operations and covered by the instructions dated 29.11.2012 (Annexure P-9) and, therefore, notional promotion was sought on regular basis instead of local rank ASI in view of the said instructions and to grant all the consequential benefits.

3. The Learned Single Judge has relied upon the findings as recorded by the Committee, which were subject matter of challenge, to come to the conclusion that there was no terrorist attack on the writ petitioner and his case does not fall under terrorist action category. The Learned Single Judge perused the FIR in question and was unable to form

an opinion contrary to the opinion of the Committee, which consisted of senior police officials. Keeping in view the above, the Court found it appropriate not to form any opinion contrary to the opinion already formed by the Committee, in the absence of any concrete evidence.

4. Mr. Rajeshwar Singh has taken us through the paper-book and to the contents of the FIR in question to submit that while being part of the police party on 04.07.1986 alongwith one HC Bhim Sain, the appellant had received gun-shot injuries and the FIR had, accordingly, been lodged. Reference was also made to the medical examination (Annexure P-7) done to show the presence of the injuries to submit that it was a case of fire arm injury and, therefore, benefit should have been granted.

5. The Learned Single Judge has relied upon the finding of the Committee, which is under challenge. The Committee had come to the conclusion that FIR No.68 dated 04.07.1986 was not a case which fell under the terrorist category and the action of the police did not fall under the category of terrorist action. FIR No.69 dated 04.07.1986 was a case of recovery of drugs in the form of poppy husk powder and in such circumstances while noticing that the co-employee had also not been granted any additional benefit and he had been only promoted as a local Head Constable and never promoted to the rank of ASI, the claim had been rejected.

6. A perusal of the representation moved by the writ petitioner dated 24.10.2017 (Annexure P-10) would go on to show that some unidentified persons had opened fire upon police party, in which the writ petitioner had received bullet injuries and his claim was based on the fact

that HC Bhim Sain had been promoted to the post of ASI, who had also received bullet injuries and, thus, the parity was sought.

7. This aspect has been duly dealt with by the Committee, which came to the conclusion that firstly Bhim Sain had never been promoted to the post of ASI and had only been promoted to the post of regular HC and, thus, the claim of the petitioner on the ground of parity had also been rejected. The Committee had, thus, come to the conclusion that the case of the writ petitioner did not fall under the category of terrorist action. The claim as such had been rightly rejected, as the instructions dated 29.11.2012 (Annexure P-9) talk about the troubled days of militancy in Punjab and of anti-terrorist work done and the benefit has to be given to the police official who had done outstanding anti-terrorist work.

8. The appellant may have received injuries on account of the opening up of fire by some miscreants, but once the High Powered Committee headed by an officer of rank of IGP, Headquarters, has come to the conclusion that it was not a case of terrorist action, the reasoning recorded by the Learned Single Judge not to take a contrary view does not suffer from any infirmity or irregularity.

9. Resultantly, there is no merit in the present letters patent appeal and the same is hereby dismissed in limine.

(G.S. SANDHAWALIA)
ACTING CHIEF JUSTICE

(LAPITA BANERJI)
JUDGE

22.03.2024
Naveen

Whether speaking/reasoned :	√Yes	No
Whether Reportable :	Yes	√No