



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

CWP-14424-2001

Date of Decision:27.05.2024

JASMER SINGH

..... Petitioner

Versus

STATE OF PUNJAB AND ORS.

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. K.G. Chaudhary, Advocate with
Ms. Sakshi Singh, Advocate for the petitioner.

Mr. Sehajbir Singh Aulakh, AAG, Punjab.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking direction to respondents to determine his pension considering him Sub-Inspector instead of Head Constable.

2. On 16.03.1973, the petitioner was recruited as Constable. He was promoted to the rank of Head Constable on 18.11.1985. On 27.07.1995, he was further promoted to the rank of Sub-Inspector (ORP) by his parent department. It is apt to notice that before his promotion to the rank of Sub-Inspector (ORP), he was deputed to Vigilance Bureau to the rank of Assistant Sub-Inspector (ad hoc) on 25.01.1990. He, on 12.06.1996 was repatriated to his parent department, where he was reverted to his substantial rank Head Constable. He was again promoted as Assistant Sub-Inspector by his parent department (Local Rank). He was again deputed to Vigilance Bureau on 27.03.2000 as Assistant Sub-Inspector. He was promoted as officiating Sub-Inspector by Vigilance Bureau. The Vigilance Bureau repatriated him to his Parent Department on 30.06.2000. At the time of repatriation, it was mentioned that he is

reverted to his substantial rank as Assistant Sub-Inspector (ORP).

3. Mr. K.G. Chaudhary, Advocate submits that in view of judgment of Supreme Court in *‘State of Punjab and others Vs. Inder Singh and others’ (1997) 8 SCC 372* and this Court in *Civil Writ Petition No.17339 of 1997* titled as *‘Balbir Singh Versus Director General of Police, Punjab’*, the petitioner on repatriation to his parent department be assigned rank which his juniors were holding. He sought voluntary retirement on 04.07.2000 and was actually retired on 15.11.2000. His juniors are holding higher rank in the parent department than his rank of Assistant Sub-Inspector.

4. Learned State counsel submits that in the promotion order dated 25.01.1990, it was specifically mentioned that petitioner would be liable to be reverted at any time without the formality of show cause notice. He concedes that petitioner can be considered for the rank his juniors were holding on 04.07.2000 i.e. date of his application seeking voluntary retirement.

5. In the wake of statement of both sides, the present petition stands disposed of with a direction to respondents to determine petitioner’s pension considering his rank as his juniors were holding on 04.07.2000. The needful shall be done within a period of 6 months from today.

(JAGMOHAN BANSAL)
JUDGE

27.05.2024
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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No