

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

119

CWP-6968-2024
Date of Decision : 22.03.2024

EKAM SINGH ... PETITIONER

Versus

STATE OF PUNJAB AND ORS ... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. Swarn Tiwana, Advocate
for the petitioner.

Mr. Aman Dhir, DAG, Punjab.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Article 226 of Constitution of India is seeking direction to the respondents to transfer him from Punjab Armed Police to District Police Cadre.
2. The petitioner was allotted constabulary number vide order dated 27.09.2016 by Commandant, 36th Battalion PAP, Bahadurgarh Patiala. He was appointed on compassionate ground. He filed CWP No.7870 of 2022 before this Court seeking direction to respondents to appoint him in District Police Cadre. This Court vide order dated 20.04.2022 disposed of said petition with a direction to respondents to take decision on the legal notice of the petitioner. The respondent by order dated 18.01.2023 has rejected claim of the petitioner on the ground that his father died due to heart-attack on 07.06.2012. He at that point of time was on leave. As per Section 4(b) of Punjab Police Act, 2007, officers of subordinate ranks cannot be transferred from one cadre to another cadre. He cannot at this belated stage be transferred from PAP to District Cadre.

3. Counsel for the petitioner submits that petitioner was assigned constabulary number in PAP whereas as per policy he was eligible in District Police.

4. The petitioner was appointed as Constable on 27.09.2016 on compassionate ground. The appointment was not a vested or fundamental right of the petitioner. It was an appointment on compassionate ground. He, at that stage, accepted appointment in PAP and after 03 years started raising grouse to the effect that he was eligible for District Police Cadre. At this stage, if the petitioner is shifted to District Police, it would amount to transfer from one cadre to another which is not permissible by Punjab Police Act, 2007. It would also disturb seniority of others. The petitioner by accepting appointment in 2016 acquiesced offer of the respondent and at this stage cannot be permitted to take somersault. The respondent has passed impugned order after considering each and every nuance of the matter. This Court does not find any infirmity in the said order.

5. The petition being bereft of merit deserves to be dismissed and accordingly dismissed.

(JAGMOHAN BANSAL)
JUDGE

22.03.2024
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<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>No</i>