

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

CWP-188-2020 (O&M)
Date of Decision:-20.05.2025

...Petitioners

...Respondents

Sr. No.	Case No.	Petitioner(s)	Respondent(s)
2.	CWP-1482-2020 (O&M)	Navdeep Singh and Others	State of Haryana and Others
3.	CWP- 1696-2020 (O&M)	Satish Kumar and Others	State of Haryana and Others
4.	CWP-182-2020 (O&M)	Vikas Pahal and Others	State of Haryana and Others
5.	CWP-474-2020 (O&M)	Surender Kumar and Others	State of Haryana and Others
6.	CWP-584-2020 (O&M)	Balinder Singh and Others	State of Haryana and Others
7.	CWP-930-2020 (O&M)	Naib Singh	State of Haryana and Others

Present:- Mr. Sunil Kumar Nehra, Advocate,
Mr. Arjun Dosanj, Advocate,
Mr. Rahil Mahajan, Advocate,
Mr. Viren Nehra, Advocate and
Mr. Akash Gahlawat, Advocate
for the petitioners in CWP-188-2020.

Mr. Tushar Gera, Advocate for
Mr. Jagdeep S. Rana, Advocate
for the petitioners in CWP-1482-2020.

Mr. Vijay Pal, Advocate and
Mr. Akash Lather, Advocate
for the petitioners in CWP- 1696-2020.

Mr. G.S. Gopera, Advocate
for the petitioner in CWP-182-2020 and CWP-474-2020.

Mr. Karamveer Singh Banyana, Advocate
for the petitioners in CWP-584-2020.

Mr. J.P. Jangu, Advocate
for the petitioner in CWP-930-2020.

Ms. Shruti Jain Goyal, Sr. DAG, Haryana.

JAGMOHAN BANSAL, J. (ORAL)

1. As common issues are involved in the captioned petitioners, with the consent of both sides, the same are hereby disposed of by this common order. For the sake of brevity and convenience, facts are borrowed from **CWP-188-2020**.

2. The petitioners through instant petition under Articles 226/227 of the Constitution of India are seeking setting aside of order dated 03.01.2020 whereby Director General of Police, Haryana has ordered to transfer them back to their parent cadre i.e. Government Railway Police, Haryana (for short 'GRP').

3. The petitioners came to be recruited on 31.07.2004 as Constable in GRP. They completed their training at different places. After completion of their training, entire batch of 312 Constables came to be transferred to reconstructed District, Gurugram. The order dated 30.11.2006 passed by Director General of Police, Haryana reads as:

"All the 312 Constables who were recruited in 2004 and after recruit training joined GRP in 2006, are hereby transferred from GRP to District Gurgaon with immediate effect. They may be relieved with the direction to report to SP Gurgaon immediately under intimation to PHQ."

4. The petitioners formed part of seniority list of District

Gurugram. They came to be transferred to different districts from Gurugram. They formed part of C-1 list of District Gurugram or any other district. They appeared for Lower School Course not against seats earmarked for GRP but seats earmarked for districts. There were few Constables who remained in District Gurugram and few came to be transferred to other districts, thus, as per C-1 and seniority policy of the State Government, the petitioners formed part of C-1 list where they were working. They came to be promoted in the respective districts as Head Constable. There are few petitioners who came to be further promoted to the rank of ASI. The respondent in view of litigation which cropped up in 2007-2008 issued a letter dated 11.01.2008 whereby it was clarified that Constables who are transferred from GRP to District Gurugram will hold their lien in their parent unit i.e. GRP. Despite aforesaid letter dated 11.01.2008, the petitioners continued to form part of District Police for all intent and purposes. The respondent by impugned letter has ordered to transfer them back to their parent unit i.e. GRP.

5. Learned counsel for the petitioners submit that petitioners were recruited in 2004 and they were transferred from GRP to District Police in 2006. At that point of time, The Police Act, 1861 (for short '1861 Act') was in force. Section 2 of the 1861 Act provides that entire Police Establishment under a State Government shall be deemed to be one Police Force and shall be formally enrolled Rule 1.1 of Punjab Police Rules, 1934 (for short 'PPR') (as applicable to State of Haryana) provides that the State of Punjab is divided into General Police Districts namely- (a) Provincial Police District and (b) Railway Police District. Rule 1.5 of

PPR provides that all Police Officers appointed or enrolled in either of two general police districts constitute one police force and are liable to and legally empowered for police duty anywhere in the province. The Director General of Police had transferred them in terms of Rule 1.5. From the reading of Section 2 of 1861 Act and Rule 1.5 of PPR, it is evident that provincial police district as well as railway police district form general police district and both the cadres collectively form one police force. The petitioners were transferred in 2006 and continued to working till 2020. They were made part of seniority list of respective districts. They were granted promotion against seats meant for respective districts. They had no connection with GRP after their transfer thus, action of respondent was bad in the eye of law whereby they were appointed to be transferred back to GRP.

6. *Per contra*, Ms. Shruti Jain Goyal, Sr. DAG, Haryana submits that State Government had power to transfer petitioners from GRP to District Police. By order dated 11.01.2008, it was made clear that petitioners would hold their lien in their parent unit i.e. GRP. It is settled proposition of law that transfer of an employee from one cadre to another cadre does not make him member of cadre where he is transferred. The petitioners continued to form part of parent cadre. In support of her contentions, she relies upon judgment of Supreme Court in the case of ***State of Haryana and Others Vs. Kashmir Singh and Another., 2010 (13) SCC 306.***

7. I have heard learned counsel for the parties and perused the record.

8. The petitioners concededly were transferred from GRP to District Gurugram. The entire batch was transferred because new districts were carved out and Police Commissionerate at Gurugram was constituted. There was no request by petitioners to transfer them from GRP to District Gurugram. In the transfer letter, it was nowhere mentioned that their transfer is temporary or they would continue to hold lien in their parent unit i.e. GRP. After expiry of almost two years, the respondent passed order dated 11.01.2008 whereby it was declared that petitioners would continue to hold their lien in their parent unit i.e. GRP. Even if it is considered that they continued to hold lien with GRP, cannot be transferred back to GRP because they had already worked for more almost two decades with District Police without interruption. They formed part of C-1 list of District Gurugram. They were freely transferred from District Gurugram to other districts. They were considered against seats meant for districts while considering for C-1 test as well as Lower School Course. They were granted promotion to the rank of Head Constables as well as ASI considering them part of district. These facts collectively indicate that for all intent and purposes, they became part of district police though they were appointed in GRP.

By act and conduct, the respondent for all intent and purposes considered petitioners as part of district police. If the petitioners were holding lien in GRP, there was no reason to consider them for the purpose of C-1 list and Lower School Course against seats meant for districts. It is a well known fact that seniority list at the level of Constable is maintained at district level. The petitioners formed part of seniority list

of district instead of GRP. It is further apt to notice that petitioners after completing training joined district. It is not the case of respondent that petitioners worked for quite some time with GRP and thereafter they were transferred to district. They after completing training were transferred to district and have already completed about 19 years service with district police.

10. There is another facet of the matter. The petitioners are working with district police for last 19 years. They must have secured good amount of experience. The work profile of district police is different from GRP. The petitioners are more than 250 and if this large number of officials are shifted to GRP, the State and public would be deprived of their rich experience. It would not be in the interest of State as well as public at large.

11. This Court, considering the act and conduct of the respondent and length of service of the petitioners with district police, finds it appropriate to set aside impugned orders whereby they have been transferred to GRP.

12. Disposed of.

(JAGMOHAN BANSAL)
JUDGE

20.05.2025
Prince Chawla

Whether Speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No