



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

**CWP No.15247-2024(O&M)
Date of Decision: 28.08.2025**

Sukhwinder Singh

....Petitioner

VS.

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

**Present: Mr. K.G.Chaudhary, Advocate
for the petitioner**

Mr. Aman Dhir, DAG, Punjab

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of orders dated 20.05.2022 and 22.12.2022 whereby his claim for seniority has been rejected.

2. The petitioner joined Punjab Police in 2006. He was made part of Punjab Armed Police. The respondent invited applications for the post of Constable in District Police and petitioner after obtaining 'No Objection Certificate' from competent authority in February 2010, applied for the post of Constable in District Police. He was selected and offered appointment letter. He was 25 years, 11 months and 22 days old and as per advertisement, upper age limit was 25 years, meaning thereby, he was overage by 11 months and 22 days. He was not allowed to join and he



preferred Civil Writ Petition No. 11378 of 2011 before this Court seeking age relaxation. In view of interim orders of this Court, he continued to serve in District Police. He passed 'Basic Proficiency Test' in 2013. He underwent Lower School Course. He was promoted to the rank of Head Constable in District Police Cadre vide order dated 30.12.2013. The respondent reconsidered case of petitioner and found that his service in Punjab Armed Police was erroneously counted for 'Basic Proficiency Test' in 2013. By order dated 16.05.2014, he was reverted to the rank of Constable. He again, in 2015, participated in 'Basic Proficiency Test' of District Police Cadre. He passed Lower School Course and was promoted to the rank of Head Constable vide order dated 22.02.2016. The writ petition came to be disposed of vide order dated 19.12.2015 with a direction to respondent to decide his claim sympathetically. The operative part of order dated 19.12.2015 reads as:-

“Accordingly, the present writ petition is allowed. The impugned order dated 1.7.2011 is set aside. However, liberty is granted to the respondents to take action, if necessary, against the petitioners by resorting to proper procedure after issuing show cause notice to them. Needless to say that if such action is to be taken respondents would take into consideration sympathetically the fact that the petitioners were already appointed with the Indian Reserve Battalion since 2006 and had necessary experience and had applied through proper channel.”

3. In pursuance to aforesaid order, Senior Superintendent of Police, Sangrur passed order in favour of the petitioner. His case for age



relaxation was forwarded to Director General of Police, Punjab vide Memo dated 19.10.2016. The respondent took somersault and repatriated the petitioner to his parent unit where he reported on 16.11.2017. He preferred CWP No. 17548 of 2017 assailing order dated 21.07.2017 whereby he was reverted to Punjab Armed Police. The said writ petition was dismissed vide order dated 20.10.2022. The relevant extracts of order dated 20.10.2022 read as:-

“Consequently, this writ petition is dismissed holding that the petitioners were over age at the time of their selection and there was no provision for relaxation in age for in service candidates seeking appointment pursuant to advertisement issued for direct recruitment.”

4. He filed LPA No. 1897 of 2023 which is pending before Division Bench of this Court. During the pendency of aforesaid writ petition, the respondent passed order dated 20.05.2022 whereby his claim for seniority and promotion as Head Constable in Punjab Armed Police was kept pending awaiting decision of CWP No. 17548 of 2017. After adjudication of aforesaid writ petition by this Court, the respondent vide order dated 22.12.2022 rejected his claim of seniority and promotion in Punjab Armed Police with effect from 01.12.2015 i.e. the date on which he was granted rank of Head Constable by District Police. It is apt to mention here that in December’ 2015, he was granted rank of Head Constable on the second occasion. The operative portion of order dated 22.12.2022 is reproduced as below:-

“10. In view of the factual position explained in the foregoing paras, the claim of Constable Sukhwinder



Singh No. 2-IRB/2027, CID (old 7- IRB/339, 10/SGR. 2-IRB/288) in demanding promotion list C-1 w.e.f. 01.12.2015 and promotion to the rank of Head Constable w.e.f. 02.12.2015 is not tenable in the eyes of Law. Moreover, the representationist has passed the Basic Proficiency Test, both in 2013 as well as 2015 as a Constable in District Police Cadre. On both the occasions, he has undergone Lower School Course in capacity of a member of District Police Cadre. Resultantly, his name has been placed in the Merit List of District Police Cadre.

It is a matter of record that the Examination Scheme, the syllabi as well as the training curriculum of the Lower School Courses are totally different for District Police Cadre and Armed Police Cadre. The Merit Lists of these two Cadres are also prepared separately. Therefore, there is no correlation between the marks obtained by an official in one Cadre to the other. The claim of the representationist in demanding seniority and promotion as Head Constable in Armed Police Cadre based on his position in the Merit List of Lower School Course of District Police Cadre is not only unjustified but is also contrary to the Rules in this regard. Resultantly, Constable Sukhwinder Singh No. 2-IRB/2027 CID (old 7-IRB/339, 10/SGR, 2-IRB/288) is being given the seniority Constable in Armed Police Cadre w.e.f. 02.12.2006 i.e. from the date of his enlistment as Constable in Armed Police Cadre, and is placed at seniority No.4118.

Hence, the representation of Constable Sukhwinder Singh No. 2-IRB/2027, CID (old 7-IRB/339, 10/SGR, 2-IRB/288) to assign him proper seniority and promotion as Head Constable w.e.f. 02.12.2015 in Armed Police Cadre is rejected being devoid of any merit.



A copy of the above said orders be given to Constable Sukhwinder Singh No.2-IRB/2027, CID (old 7-IRB/339, 10/SGR, 2-IRB/288) free of cost under his signatures.”

5. Mr. K.G.Chaudhary, Advocate submits that petitioner twice cleared ‘Basic Proficiency Test’ while serving with District Police and was assigned rank of Head Constable. On the first occasion, he was assigned rank of Head Constable in 2013 and on the second occasion in 2015. On account of pendency of writ petition before this Court, he was allowed to continue with District Police and as soon as petition was disposed of, he was repatriated to Punjab Armed Police. He is entitled to seniority and promotion either in District Police or Punjab Armed Police. Denial of seniority and promotion in both cadres from 2015 would be travasity of justice.

6. Mr. Aman Dhir, DAG, Punjab submits that petitioner has filed LPA claiming his retention in District Police. The petitioner on one hand is assailing order of repatriation and on the other hand is claiming seniority in Punjab Armed Police. He further submits that applicable Rules do not permit his adjustment in Punjab Armed Police.

7. Faced with this, Mr. K.G.Chaudhary, Advocate submits that respondent may grant him seniority and promotion in any cadre. If he is granted seniority and promotion in Punjab Armed Police/ IRB, he would withdraw his LPA.

8. Considering the aforesaid facts and circumstances, particularly plight of the petitioner, this Court finds it appropriate to direct the respondent to grant him seniority and promotion in Punjab Armed Police.



He would be entitled to seniority and promotion in Punjab Armed Police as Head Constable from 2015. The petition is allowed in view of peculiar facts and circumstances of the case. If the petition is not allowed, the petitioner would suffer irreparable loss because of lapse of the system. The petitioner, as conceded, shall withdraw his LPA.

9. It is made clear that this order shall not be treated as precedent because petition is allowed in view of peculiar facts and circumstances.

10. Pending Misc. application(s), if any, shall stand disposed of.

(JAGMOHAN BANSAL)
JUDGE

28.08.2025
paramjit

Whether speaking/reasoned:	Yes	
Whether reportable:	Yes	