



CWP-20726-2025

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

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CWP-20726-2025

Date of Decision: 05.08.2025

Amit Kumar

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: - Mr. Lukesh Kumar, Advocate for the petitioner

Ms. Rajni Gupta, Additional Advocate General, Haryana

JAGMOHAN BANSAL, J. (Oral)

1. This Court, on 29.07.2025, passed the following order: -

“1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of order dated 11.04.2025 (Annexure P-7) whereby his request for repatriation to his Parent Department has been rejected.

2. The petitioner joined Haryana Police Force as Constable on 24.08.2017. He pursuant to advertisement No.3/2023 applied for the post of Assistant Lineman (for short ‘ALM’) in HVPNL. The application was filed through proper channel. He came to be selected as ALM. He submitted his technical resignation which was accepted by his Parent Department on 08.02.2024. He joined HVPNL on 09.02.2024. HVPNL rejected his request of pay protection and continuity of service. He requested his Parent Department to permit him to rejoin, however, his request came to be rejected vide order dated 11.04.2025. The request has been rejected on the



ground that petitioner has failed to comply with conditions of Rule 29 of Haryana Civil Services (General) Rules, 2016.

3. *Learned State counsel seeks time to clarify how Rule 29 of Haryana Civil Services (General) Rules, 2016 is applicable to petitioner.*

4. *Adjourned to 01.08.2025.”*

2. The aforesaid order was followed by order dated 01.08.2025 which is reproduced as under: -

“1. Learned State counsel submits that the petitioner was not a confirmed employee on the date he was relieved to join Haryana Vidyut Prasaran Nigam Limited as Assistant Lineman. As the petitioner was not a confirmed employee, he did not possess lien on the post of Constable. In the absence of lien, there was no reason to permit him to rejoin.

2. Learned State counsel is hereby directed to produce copy of confirmation order, if any, passed in the case of Constables who joined service along with the petitioner in 2017.

3. Adjourned to 05.08.2025.”

3. Ms. Rajni Gupta, Additional Advocate General, Haryana, fairly concedes that no confirmation order, in the case of Constables who joined service along with the petitioner in 2017, has been passed.

4. From the perusal of appointment letter, it is evident that no period of probation was prescribed, however, under Rule 10 of Haryana Police (Non-Gazetted and Other Ranks) Service Rules, 2017 (for short ‘**2017 Rules**’) probation period has been prescribed. Rule 10(3) of 2017 Rules provides that probation period shall not exceed four years. On the expiry of maximum period, employee either be confirmed or his probation period be declared as completed satisfactorily or be discharged from service.

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5. In the instant case, the State has conceded that no confirmation order was passed with respect to any Constable appointed in 2017. The State counsel is unable to refute that in such circumstances particularly Rule 10(3) of 2017 Rules, the petitioner was deemed to be confirmed, in any eventuality, on completion of four years service because his service was never found dissatisfactory.

6. In the wake of above discussion and findings, this Court is of the considered opinion that instant petition deserves to be allowed and accordingly allowed. Impugned order dated 11.04.2025 is hereby set aside. Let the needful be done within 2 months from today.

7. The respondent shall consider period of service rendered by the petitioner with Haryana Vidyut Prasaran Nigam Limited in accordance with law.

(JAGMOHAN BANSAL)
JUDGE

05.08.2025
Mohit Kumar

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No