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AT CHANDIGARH**

CWP-25469-2025  
Date of decision: 03.09.2025

Amandeep Singh

....Petitioner

Versus

State of Punjab and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**

**Present:** Mr. Gaurav Goyal, Advocate  
for the petitioner.

Mr. Vikas Arora, DAG, Punjab.

Mr. Baltej Pal Singh Walia, Advocate  
for respondents No.2, 4 and 5.

**HARPREET SINGH BRAR, J. (ORAL)**

1.            The present civil writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of *certiorari* for setting aside the impugned order dated 22.05.2025 (Annexure P-13) vide which the claim of the petitioner for reinstating him on the post of Lower Division Clerk (LDC) has been rejected by respondent No.4.

2.            Learned counsel for the petitioner submits that the petitioner was appointed as Lower Division Clerk (LDC) on probation for three years on 28.01.2021 after successfully clearing the recruitment process. Thereafter, the petitioner resigned from his post on 30.05.2024 due to personal reasons hoping for better opportunity. The resignation submitted by the petitioner was accepted and he was released from service on 05.06.2024. Subsequently, the petitioner joined Punjab Police as Head Constable on 07.06.2024, however, now he wishes to rejoin the respondent-Corporation. He relies upon Punjab Civil Services Rules 3.12(1) and Rule 3.11 (1) of Main Services Regulations,



1972 (hereinafter referred to 'MSR, 1972') Vol-I, Part-I. In this regard, the petitioner has submitted a representation on 04.09.2024 within the stipulated six months' period to the respondent-Corporation. However, his representation remained unheeded and he approached this Court by way of filing writ petition which was disposed of with a direction to the respondent to decide his representation. In compliance thereof, the respondents passed an impugned order dated 22.05.2025 rejecting the claim of the petitioner by invoking Clause 5 of Rule 7.5 of MSR-Vol-I, Part-1. He further relies upon the judgment rendered by this Court in CWP-14650-2020 titled as 'Suman Vs. State of Haryana and others' decided on 25.07.2025 and submits that the Department has not granted the benefit of lien to the petitioner in terms of the applicable Punjab Civil Services Rules. Further, he relies upon the Rule 3.11(1) of MSR, 1972-Vol-I, Part-1 and the same is reproduced as under:-

***'SUBSTANTIVE APPOINTMENT AND LIEN***

*...3.11 (1) A Board employee confirmed on a post, acquires a lien on that post. If such a Board employee is appointed by direct recruitment or by transfer in an-other department or in a different cadre in the same department, as the case may be, he shall give an option to acquire the lien on the post, presently held by him within a period of six months after the completion of his probation period, and on exercise of such an option, he shall cease to hold the lien on the post in the parent cadre or department, as the case may be, from the date he is confirmed against the post presently held by him. If such an option is not exercised by him within the aforesaid stipulated period, he shall be reverted back to the parent cadre or department, as the case may be....'*

3. On the other hand, learned counsel for the respondent-Corporation submits that the case of the petitioner is not to be examined in terms of Punjab Civil Services Rules relied upon by the petitioner. His case has to be considered in terms of the MSR, 1972 Clause 1.5 of MSR, 1972 provides that



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in case there is an ambiguity with regard to the implication of the Punjab Civil Services Rules and MSR, 1972, the decision in this regard shall lie with the Board of Directors of the respondents-Corporation. However, he could not controvert the fact that the impugned order was not passed in terms of Rule 3.11 (1) of MSR, 1972.

4. I have heard learned counsel for the parties and on perusal of the record, it transpires that the petitioner having resigned and joined another service, is entitled to have his claim for reinstatement considered in accordance with the applicable Punjab Civil Services Rules and the MSR, 1972, particularly Rule 3.11(1) since the impugned order rejecting his claim was not passed in compliance with the relevant rules.

5. In view of the above, the present writ petition is allowed and the impugned order dated 22.05.2025 (Annexure P-13) is hereby set aside and the respondents-Corporation is directed to consider the claim of the petitioner and pass a speaking order strictly in terms of Rule 3.11 (1) of MSR, 1972 and the judgment of this Court passed in *Suman (supra)*, after affording him an opportunity to be heard, within a period of 03 months from the date of receiving a certified copy of this order. Further, the decision taken thereof shall be conveyed to the petitioner. Needless to say, if the petitioner is found entitled to the relief sought, the same shall be granted forthwith by the respondents-Corporation.

(HARPREET SINGH BRAR)  
JUDGE

03.09.2025

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|-------------|---------------------------|---|--------|
| <i>Neha</i> | Whether speaking/reasoned | : | Yes/No |
|             | Whether reportable        | : | Yes/No |