



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

112

CWP-30823-2025

Date of Decision: 06.11.2025

INDER SINGH

...Petitioner

Vs.

STATE OF HARYANA AND ORS.

...Respondents

CORAM:- HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Sanchit Punia, Advocate
for the petitioner

Mr. Ashok Kumar Khubbar, Addl. A.G, Haryana

JAGMOHAN BANSAL, J. (ORAL)

1. Written statement by way of affidavit of Mr. Shashank Kumar Sawan, IPS, Superintendent of Police, Hisar filed on behalf of respondents No.1 to 3 is taken on record. Registry is directed to tag the same at an appropriate place.

2. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of order dated 24.06.2025 (Annexure P-6) whereby respondent has rejected his application for rejoining as Constable.

3. The petitioner joined as Constable in Haryana Police on 02.03.2019. He applied for the post of Technical Grade-III in Department of Railways, Government of India. He applied for technical resignation. His technical resignation was accepted vide order dated 22.02.2025. He joined Department of Railways. He does not want to continue with

Department of Railways. He applied to respondent to permit him to rejoin. He also submitted technical resignation in the Department of Railways vide application dated 23.05.2025. The respondent without reason has rejected his application seeking permission to rejoin.

4. Learned State counsel submits that petitioner applied for technical resignation which was accepted by competent authority under Rule 16 of Haryana Civil Services (Pension) Rules, 2016. It is a case of resignation. The petitioner cannot be permitted to rejoin on the sole ground that resignation was technical resignation. There is no provision in the Punjab Police Rules, 1934 (as applicable to State of Haryana) (in short '**PPR**') and Haryana Police (Non-Gazetted) Service Rules, 2017 (in short '**2017 Rules**') which permit re-enlistment after resignation.

5. I have heard learned counsel for the parties and perused the record of the case.

6. From the perusal of PPR and 2017 Rules, it is evident that there is no Rule which deals with lien, technical resignation and re-enlistment of a Constable. Haryana Civil Services (General) Rules, 2016 (in short '**2016 Rules**') which are applicable to Police officials deal with lien, technical resignation and rejoining. Rules 28, 29 and 30 of 2016 Rules deal with lien, confirmation on subsequent appointment and retention of lien. Said Rules are reproduced as below:-

“28. Lien on Confirmation.—

- (1) *A Government employee appointed on regular basis shall, on successful completion of probation period, be confirmed by the appointing authority only once*

in his service career. He shall acquire lien on that regular post of his first appointment and ceases to hold any lien previously acquires on any other post.

(2) (a) *Two Government employees cannot be confirmed (appointed substantively) against the same regular post at the same time.*

(b) *A Government employee cannot be confirmed (appointed substantively) against two regular posts at the same time or against a regular post on which another Government employee holds a lien.*

Note 1.— *Confirmation is delinked from the availability of permanent vacancy in the cadre.*

Note 2.— *The temporary Government employee who has completed probation period successfully on the regular post of his first appointment upto the date of notification of these rules shall be confirmed on such post by the competent authority.*

Note 3.— *The temporary Government employee working on promotional post shall also be confirmed on the promotional post or feeder post of which he has completed probation period successfully.*

(3) *On return of a permanent Government employee to his parent cadre/Department, if no regular post, on which he holds a lien, is vacant, the junior-most Government employee in that cadre shall be—*

(i) *reverted to feeder post from which he was promoted;*

(ii) *terminated from service if appointed on that post by direct recruitment; or*

(iii) *sent back to his parent cadre/Department, if appointed by transfer; to accommodate permanent Government employee. If, however, he, himself is the junior most, he shall be*

reverted to the feeder post from which he was promoted.

29. Confirmation on subsequent appointment.—

- (1) *On subsequent appointment of a temporary Government employee within the same or any other Department, he shall be considered for confirmation after successful completion of probation period of the post of subsequent appointment.*
- (2) *On subsequent appointment of a permanent Government employee to another post by direct recruitment or otherwise within the same or any other Department, he shall have to, at the time of eligibility for confirmation on that post, exercise an option either to opt for his confirmation on the new post or to revert back to his previous post, within a period of three months from the date of issue of notice, failing which it shall be deemed that he opts to be confirmed on the post of subsequent appointment. After the receipt of option or expiry of the prescribed period, orders shall be issued accordingly by the competent authority. The option once exercised shall be final.*

Note 1.— *On subsequent appointment of a permanent Government employee in an Organization under any Government, the lien shall be maintained upto the date of probation period of the new post.*

Note 2.— *A Government employee who is appointed by direct recruitment or otherwise from other Government shall be considered afresh for the purpose of confirmation.*

30. Retention of lien.—

A permanent Government employee shall retain a lien on a regular post while—

- (a) performing duties of that post;*
- (b) during the probation period on appointment to another post;*
- (c) on foreign service or deputation or training;*
- (d) working on a tenure post;*
- (e) on leave; and*
- (f) under suspension.”*

[Emphasis Supplied]

7. Rule 28 of 2016 Rules creates right of confirmation on successful completion of probation period and further lien on the regular post. Rule 29 provides that an employee holding permanent post may accept confirmation in any other department or come back to parent department before confirmation in the subsequent department. He has to file option. In the absence of option, it is assumed that he has accepted confirmation in the subsequent department. Rule 30 provides that employee retains lien during probation period on appointment to another post. Said Rule also deals with other situations.

8. In the case in hand, the petitioner joined Haryana Police Force in 2019. He has already completed probation period. The respondent is not disputing that petitioner was holding regular post. As petitioner was holding regular post of Constable, thus, he was having lien on the said post. He was appointed as Technical Grade-III in Department of Railways. The respondent accepted his technical resignation on 22.02.2025. He was not confirmed in the subsequent department. He submitted technical resignation with Railways on 23.05.2025. As per Rule 29(2) of 2016 Rules, he had right to opt for parent department prior

to his confirmation in subsequent department. The petitioner was appointed in a Government Department, thus, his case was squarely covered by Rules 29 and 30 of 2016 Rules. He continued to hold lien till the date of his confirmation by subsequent department. He was never confirmed by subsequent department, thus, he had right to come back to his parent department. If contention of respondent is accepted, scheme of lien contemplated by Rules 28-30 of 2016 Rules would become redundant.

9. In the wake of above discussions and findings, this Court is of the considered opinion that the instant petition deserves to be allowed and accordingly allowed. The impugned order dated 24.06.2025 (Annexure P-6) is hereby set aside. Respondent is directed to permit the petitioner to rejoin within four weeks from today.

10. Pending application(s), if any, stands disposed of.

(JAGMOHAN BANSAL)
JUDGE

November 06, 2025
Deepak DPA

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