



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

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CWP-30916-2025

Date of Decision: 12.11.2025

GURBIR SINGH

...Petitioner

Vs.

STATE OF PUNJAB AND ORS.

...Respondents

CORAM:- HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Nikhil Sabharwal, Advocate
for the petitioner

Mr. Aman Dhir, Deputy Advocate General, 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 order dated 26.09.2025 whereby his representation to count his deputation period for service benefits including seniority has been denied.

2. The petitioner was selected as Sub-Inspector in Railway Protection Force. He joined service on 28.11.1998. He was sent on deputation to Punjab Police on 01.01.2009. He was absorbed in Punjab Police on 15.07.2011. He was promoted as Inspector on 31.12.2017. He filed representation dated 29.07.2024 seeking counting of his deputation period towards his seniority as counted in the case of others. The respondent has rejected his representation. The petitioner claims that he is not claiming that he should be considered as absorbed from the date of deputation whereas he is claiming that his period of deputation be

counted in the length of service for seniority.

3. Learned counsel for the petitioner submits that case of petitioner is squarely covered by judgment dated 15.05.2024 of this Court in '**Balwinder Singh Vs. State of Punjab and others**', CWP No.15480 of 2001. There are many officials including Ms. Amrit Brar, IPS, Inspector Jasgit Singh Sohal and Mr. Balwinder Singh who have been granted claimed benefit, thus, on the ground of parity, petitioner deserves claimed benefit.

4. *Per contra*, learned State counsel submits that petitioner was absorbed in 2011. He at the time of absorption filed affidavit to the effect that he would not claim seniority. He preferred CWP-20557-2015 before this Court claiming benefit of seniority. The same was withdrawn through a duly sworn affidavit. A period of 14 years from the date of absorption and 6 years from the date of withdrawal of earlier petition has passed away. The benefit to three persons pointed out by petitioner was granted under peculiar circumstances. In **Balwinder Singh (supra)**, this Court granted benefit because he had already retired.

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

6. From the perusal of record, it is evident that petitioner joined Railway Protection Force in November' 1998. He was sent on deputation to Punjab Police on 01.01.2009. On completion of two years' service, he could be absorbed in Punjab Police. The competent authority ordered to absorb him. At the time of absorption, the petitioner filed an affidavit to the effect that he would not claim seniority. He preferred CWP-20557-

2015 before this Court claiming seniority. The said petition was dismissed as withdrawn. He filed affidavit before this Court for withdrawal of writ petition. It was unconditional withdrawal. No liberty was granted to file fresh petition. A period of 14 years from the date of cause of action and 6 years from the date of withdrawal of earlier petition has passed away. Claim of petitioner is prejudiced by doctrine of constructive res judicata as well as delay and laches.

7. The petitioner was absorbed as per Rule 12.43 of Punjab Police Rules, 1934. Said rule reads as:-

"12.43. Absorption of Non-Gazetted Officers and other ranks of para-military forces and other Police forces in the Punjab Police.- (1) If the Director General of Police so desires he may with the prior concurrence of the parent Department, order absorption in the Punjab Police of Non-Gazetted Officers and other ranks of para-military forces and other Police forces who have been working as such in the Punjab Police already on deputation for a minimum period of two years:

Provided that absorption so made shall not exceed 0.5 per cent of the total cadre posts in the ranks of Constables and Head Constables and 0.5 per cent of the cadre posts of Assistant Sub-Inspectors and Inspectors meant for direct recruitment and 0.5 per cent of the cadre posts of Sub-Inspectors.

(2) The non-gazetted officers and other ranks absorbed in terms of the provisions of sub-rule (1) will be placed junior to all the persons working in the respective cadres of the Punjab Police on the date of such absorption, subject however, to the condition that the basic pay they are getting in their parent department will be protected.

Explanation.- For the purpose of rule 12.43 the term "Para Military Forces" means the para military forces

*under the administrative control of Government of India,
Ministry of Home Affairs."*

From the perusal of sub-Rule (2), it is evident that on absorption, officer is placed junior to all the persons working in the respective cadre. If petitioner is granted claimed seniority, it would be contrary to mandate of aforesaid Rule. Court cannot pass any order which is patently contrary to Rules. In the case of **Balwinder Singh (supra)**, he had already retired and no officer was going to be affected either in monetary terms or from seniority point of view. In the instant case, petitioner is in service and if he is granted seniority, it may adversely affect future prospects of many officials.

8. There is another aspect of the matter. The petitioner filed affidavit at the time of absorption. If claimed seniority is granted, it would be contrary to his affidavit. The said affidavit cannot be ignored.

9. In the wake of above discussion and findings, this Court is of the considered opinion that the instant petition deserves to be dismissed and accordingly dismissed.

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

(JAGMOHAN BANSAL)
JUDGE

November 12, 2025
Deepak DPA

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