



CWP-29084-2017

-1-

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

208

CWP-29084-2017

Date of Decision: 16.02.2026

Amarjit Singh and others

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: - Mr. G.S. Bal, Senior Advocate with
Mr. Dilshad Singh Gill, Advocate for the petitioners

Mr. Aman Dhir, Deputy Advocate General, Punjab

JAGMOHAN BANSAL, J. (Oral)

1. The petitioners through instant petition under Articles 226/227 of the Constitution of India are seeking setting aside of order dated 14.10.2017 whereby their date of enrolment has been changed from 1994-95 to 08.04.1998 and pay refixed on a lower side.

2. The petitioners during 1993-94 joined as Special Police Officers ('SPOs') in Punjab Police. They were recruited as Constables during 1994-95 on the basis of their outstanding performance. Their recruitment as Constables was out of turn. Their seniors preferred multiple petitions before this Court which came to be disposed of in ***Lal Mohd. and others v. State of Punjab and others, 1996 SCC OnLine P&H 1573***. While disposing of a bunch of 35 writ petitions, it was clarified that petitioners shall be considered for absorption from the date their juniors were appointed as Constables. The consequential relief of fixation of pay and seniority would not result into payment of arrears to avoid unnecessary burden on the



State Government. The respondent implemented judgment of this Court in ***Lal Mohd. (supra)***. 16,000 SPOs were considered for the post of Constable. 4,647 SPOs were found suitable and were allotted constabulary number. Their pay was notionally fixed from the date their juniors were allotted constabulary number. The respondent issued show cause notice to 250 Constables including the present petitioners proposing their reversion from the rank of Constables to SPOs. The respondent subsequently retained their designation as Constable, however, w.e.f. 08.04.1998. The respondent issued show cause notice dated 20.10.2016 proposing to re-fix pay of petitioners w.e.f. 08.04.1998 instead of their initial out of turn absorption as Constable in 1994-95. Consequently, their pay was re-fixed by treating their appointment as Constables w.e.f. 08.04.1998.

3. Learned Senior counsel for the petitioners contends that petitioners were appointed as Constables during 1994-95. In view of judgment of this Court in ***Lal Mohd. (supra)***, an eligibility test was conducted and juniors of petitioners who were found fit for the post of Constable were appointed Constable from the date their juniors were appointed. There was no direction to reduce salary of persons already selected as Constables. The petitioners since 1994 were performing duties of Constables, thus, their salary could not be reduced on account of re-fixation of salary of their juniors.

4. *Per contra*, learned State counsel submits that petitioners were allotted constabulary number out of turn. In view of judgment of this Court, their seniors were allotted constabulary number from the date the petitioners were allotted. Pay of those seniors was notionally re-fixed. The petitioners



their rank and refixed their pay w.e.f. 08.04.1998. There is no infirmity in the impugned order and respondent has rightly refixed salary of the petitioners.

5. Heard the arguments and perused the record.

6. While issuing notice of motion and thereafter, the refixation of pay from 1998 was not stayed, however, the petition was admitted vide order dated 29.11.2018 and further recovery on account of refixation of pay was stayed.

7. From the perusal of record, it is evident that petitioners were assigned constabulary number out of turn and on the basis of their outstanding performance. The respondent in view of orders of this Court in ***Lal Mohd. (supra)*** allotted constabulary number to seniors of petitioners who fulfilled eligibility criteria. On account of shortage of sanctioned posts of Constables, the petitioners were proposed to be reverted, however, were never reverted. Their rank was protected by standing orders. They were assigned constabulary number during 1994-95 and continued to perform duties of Constables till allotment of constabulary number to their seniors as per order of this Court in ***Lal Mohd. (supra)***. This Court protected interest of respondent-State to the extent of arrears which may accrue in favour of petitioners in ***Lal Mohd. (supra)***. There was order to refix salary of petitioners in ***Lal Mohd. (supra)***. There was no direction to refix or reduce salary of petitioners herein. They concededly worked as Constables from 1994-95 to 1998. Their appointment as Constable was not illegal. They were considered outstanding and brave officers, thus, granted out of turn promotion. They could be reverted due to lack of available posts of

Constables, however, their rank was protected.



CWP-29084-2017

-4-

8. The petitioners concededly performed duties of Constables from 1994-95 to 1998. There was no direction of this Court in ***Lal Mohd. (supra)*** to reduce their salary. There was only direction to protect interest of petitioners in ***Lal Mohd. (supra)*** to the extent of seniority and pay, however, on notional basis. In the absence of directions of this Court, there was no occasion to reduce salary of the petitioners. They were entitled to pay as per their appointment in 1994 though they were not entitled to seniority on account of appointment of their seniors from retrospective date.

9. In the wake of above discussion and findings, this Court is of the considered opinion that impugned order dated 14.10.2017 to the extent of reduction of petitioner's pay is liable to be set aside and accordingly set aside.

10. Allowed in above terms.

(JAGMOHAN BANSAL)
JUDGE

16.02.2026
Mohit Kumar

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