



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

CWP-15814-2014

Date of Decision: 14.07.2025

Beant Singh and Others

...Petitioners

Vs.

State of Punjab and Others

...Respondents

CORAM:- HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. K.G. Chaudhary, Advocate for the petitioners.

Mr. Aman Dhir, DAG, 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 the order dated 11.07.2013 whereby they have been declined their parent cadre and ordered to be retained in Punjab Armed Police (hereinafter referred to as 'PAP').

2. The petitioners claim that respondent during 1992-1993 appointed 185 Driver Constables. In 1993, they came to be transferred to security wing along with other Driver Constables. They were transferred to Intelligence Wing. The respondent retained 63 Driver Constables in the Intelligence Wing and shifted 122 Driver Constables to PAP. The respondent, vide order dated 10.03.2011, ordered to transfer 57 Driver Constables from PAP to Intelligence Wing. In this way, 120 Driver Constables were retained in Intelligence Wing and remaining were deputed to PAP. The petitioners are part of Intelligence Wing who are

deputed to PAP since 2002.

3. Mr. K.G. Chaudhary, Advocate submits that respondent by order dated 21.04.2011 has transferred 57 Driver Constables from PAP to Intelligence Wing. The discrimination is writ large. There was no reason to retain petitioners in PAP. Punjab Police Act, 2007 for short '2007 Act') is not having retrospective effect so the petitioners cannot be denied benefit of their posting with Intelligence Wing. The respondent constituted a committee which recommended transfer of petitioners from PAP to Intelligence Wing.

4. Mr. Aman Dhir, DAG, Punjab submits that the petitioners were recruited as Security Drivers. The cadre was created vide order dated 13.03.1992. In the said letter, it was specifically mentioned that 185 posts are created for security duty with Ministers. The petitioners are working with PAP since 2002. They have undergone all Courses with PAP. They have further been promoted. It is factually incorrect that 120 out of 185 Driver Constables are working with Intelligence Wing. Actually, only 57 are working with Intelligence Wing.

5. I have heard learned counsel for the parties and perused the record with their able assistance.

6. The respondent vide order dated 13.03.1992 created 185 posts of Driver Constables. The order dated 13.03.1992 reads as _

“Subject: Creation of 185 posts of Constable Drivers for security duty with Ministers etc. In Punjab Police Department.

Reference subject cited above.

2. *The Governor of Punjab is pleased to accord sanction to the creation of 185 posts of Constable Drivers*

in the pay scale of Rs.950-1800 (with initial start of Rs.1050/-) during the year 1992-93.

The expenditure will be debited to the Major Head "2055-Finance vide FDM 4/16/92-1885, dated 17.03.92.

Sd/- Joint Secretary Home (B)

Endst No.4/9/92-2H (1) 1775 Dated 13th March, 1992"

7. The petitioners were appointed against aforesaid cadre. Their appointment was for security duty with Ministers. They, at one point of time, were deputed for security duty, however, respondent posted them with Intelligence Wing. By one or another order, only 57 Driver Constables have been retained in Intelligence Wing. There are 128 Driver Constables who are part of PAP and only 11 have approached this Court. They are working with PAP since 2002. They have undergone different courses with PAP. They have further been promoted on the strength of PAP. The respondent has created different wings by 2007 Act as per which, members of one cadre cannot be transferred to another cadre. Any order of this Court, at this stage, would drastically disturb promotion and seniority of officials of Intelligence Wing.

8. There is no substance in the contentions of the petitioners. The petition deserves to be dismissed and accordingly dismissed.

**(JAGMOHAN BANSAL)
JUDGE**

14.07.2025

Prince Chawla

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