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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of Decision: 22.01.2026

1. CWP-21095-2016 (O&M)

Sukhwinder Singh & Others

...Petitioner

Versus

State of Punjab & Another

...Respondents

And

Sr. No.	Case No.	Petitioner(s)	Respondent(s)
2.	CWP-10345-2018	Prithi Pal and Others	State of Punjab and Others
3.	CWP-27376-2018	Ram Pal	State of Punjab and Another
4.	CWP-17881-2019	Sukhwinder Singh	State of Punjab and Others
5.	CWP-6307-2017	Sulakhan Singh and Others	State of Punjab and Another
6.	CWP-9360-2018	Harpreet Singh and Others	State of Punjab and Another

CORAM: HON'BLE MR. JAGMOHAN BANSAL.

Present:- Mr. Gaurav Chopra, Senior Advocate with
Mr. Himanshu Bindal, Advocate and
Ms. Darika Sikka, Advocate for the petitioners
in **CWP-21095-2016** and **CWP-9360-2018**

Mr. Jatinder Singh Gill, Advocate for the petitioners
in **CWP-10345-2018**

Mr. Vijayveer Singh, Advocate for the petitioners
in **CWP-27376-2018**

Mr. C.S. Jattana, Advocate for the petitioners
In **CWP-17881-2019**



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Mr. Aman Dhir, DAG, Punjab

Mr. Sunil Chadha, Senior Advocate with
Ms. Devyani Sharma, Advocate for respondents No.108 to 132
in **CWP-21095-2016**

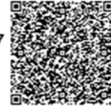
Mr. Ravindra Singh, Advocate on behalf of
Mr. Puneet Gupta, Advocate for respondents No.133 to 152
in **CWP-21095-2016**

JAGMOHAN BANSAL, J. (ORAL)

1. As common issues are involved in the captioned petitions, with the consent of both sides, the same are hereby disposed of by this common order. For the sake of brevity and convenience, facts are borrowed from ***CWP-21095-2016***.

2. The petitioners through instant petition under Articles 226/227 of the Constitution of India are seeking declaration that Provincial District Police Cadre maintained under Rule 1.1 of Punjab Police Rules, 1934 (for short 'PPR') cannot be bifurcated into District Police and Armed Police Cadre. They are further seeking declaration that respondent has wrongly protected seniority of few Officers by curating Dying Cadre.

3. The petitioners are members of Punjab Police Force. They joined Police Department prior to 2008. Police Act, 1861 and PPR made thereunder were in force at the time of their appointment. The State of Punjab notified Punjab Police Act, 2007 (for short '2007 Act') w.e.f. 20.02.2008. Section 80 of 2007 Act provides that State Government shall make Rules for carrying out purposes of the Act within one year from the date on which Act comes into force. Section 85 provides that PPR shall remain in force unless those Rules are specifically superseded. The Government has not framed Rules under Section



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80 of 2007 Act, thus, PPR are still in force. As per Rule 1.1 of PPR, the Punjab Police is divided into General Police Districts namely Provincial Police District and Railway Police District. Rule 1.3 of PPR provides that Provincial Police General District is divided into Administrative Establishments i.e. a Training School, a Criminal Investigation Department and District Police Establishments. The Railway Police General District is divided into Central Investigating Agency and such number of Sub-Divisions as the Provincial Government may authorize from time to time. Rules 1.1 and 1.3 of PPR read as:

“ 1.1 Constitution.- For the purposes of section 3 of the Police Act (V of 1861) the Punjab is divided into “General Police Districts”, namely,-

(a) the provincial Police District,

(b) the Railway Police District.

All ranks of police employed in the province are appointed or enrolled under section 2 of the Act.

Provided that each of the Telecommunications Branch, Finger Prints Bureau, Women Police Wing, Bank Staff, Mounted Police, Armourers and Executive Clerical Wing, that is uniformed clerical functionaries in various subordinate offices shall form its uniformed cadre.

Explanation.- The expression “subordinate offices” means the offices of the District Senior Superintendent of Police, Director, Finger Prints Bureau, Phillaur and Superintendents of Police, Incharge Recruits Training Centres.

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1.3. General Police, Districts - divisions of.- The Provincial Police general district is divided into administrative establishments; a Training School (including the Provincial Finger Print Bureau); a Criminal Investigation Department, and District Police Establishments. The Railway Police, general district, is divided into a Central Investigating Agency, and such



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number of sub-divisions as the Provincial Government may authorize from time to time.”

The Proviso to Rule 1.1 stands omitted vide notification dated 25.07.2012. The joint seniority list was prepared after deletion of aforesaid proviso.

4. Section 4 of 2007 Act provides that there would be five cadres i.e. District Police, Armed Police, Intelligence, Investigation and Technical & Support Services of subordinate rank officers. Section 4 of the Act reads as:

“Organization and Composition of Police Service. - Subject to the provisions of this Act,-

(a) the Police Service shall consist of such numbers in various ranks and have such organizations or cadres, as the State Government may, by general or special order, determine, and shall include the members of the Indian Police Service, allocated or deputed to the State;

(b) the officers of subordinate ranks of district police, armed police, intelligence, investigation and technical and support services shall form separate cadres. Seniority of each cadre shall be maintained at the State level. Transfer of a member of one cadre to another cadre shall not be allowed. However, the officer of subordinate rank working in special operation group may be transferred to district police after the successful completion of the fixed tenure in special operation group as specified by the Government. In case an officer of subordinate rank is rendered completely or partially disabled during operations or training, the period of fixed tenure can be relaxed by the Director General of Police for the purpose of transfer to district police. The subordinate rank officer who opt for transfer to district police, if transferred, his seniority shall be placed at the bottom of the officers holding the same rank in the district police;



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(c) notwithstanding anything contained in sub-clause (h), a member of the Police Service may be allowed to be deputed on deputation from one cadre to another cadre or organisation or department, as per rules;

(d) the direct recruitment to various subordinate ranks in the Police Service shall be made through a State Level Police Recruitment Board or District Level Police Recruitment Board in a transparent manner;

(e) the mode of recruitment, pay, allowances and other service conditions of the members of the Police Service shall be such, as may be prescribed;

(f) the State Government shall provide for employment opportunities to women in the Police Service and may provide for separate physical standards for their recruitment; and

(g) the State Government may restructure the district police in order to provide the public with an officer-oriented civil interface of the police in such manner, as may be prescribed.”

5. The State Government prior to 2008 curated different Cadres/Wings. The Cadres/Wings curated by State Government comprised District Police, Punjab Armed Police (for short ‘PAP’), Intelligence Wing, Telecommunication Wing and Government Railway Police (GRP). The petitioners were part of Punjab Armed Police. A bunch of writ petitions including ***CWP No.4829 of 2011*** titled as ‘***SI Pardeep Singh and Others Versus State of Punjab and Others***’ came up for adjudication before this Court. In the said case, the petitioners claimed that there is no separate cadre of PAP. There should be joint seniority list of District Police and PAP. This Court vide judgment dated 16.12.2014 allowed writ petitions holding that respondent is obliged to maintain joint seniority list of two Cadres i.e. District Police and PAP. In the judgment, it was specifically noted that joint seniority list is



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required for the period prior to 2008 because 2007 Act came into force in 2008.

The operative part of the judgment reads as:

“Evidently, the Court framed a question as to whether the shifting of the officers from P.A.P. to District Police amounted to a change in the cadre and concluded that it would depend upon the factual situation as to whether P.A.P. and the District Police actually constituted two separate cadres or not. It then went on to affirm that from the pleadings of the parties, it was evident that there was no segregation of P.A.P. or District Police cadres. While answering the petition, the Court relied heavily on an assumption by referring to the hypothetical situation to treat the P.A.P. as a separate cadre in which eventuality, the transfer of an employee from the P.A.P. cadre to the District Police Cadre would not rob the officer of his lien in the P.A.P. cadre and would eventually entitle him to promotion at par with the ones who were junior to him in the P.A.P. cadre. It was also observed in the judgment that the transfer of an officer from P.A.P. to District Police Cadre was merely an administrative order which could not affect the seniority of the concerned officers.

It is thus not difficult to conclude that P.A.P. and the District Police did not constitute any separate cadre prior to 2008 and if that be so, then complete inter-changeability would only suggest that the respondents would be obliged to maintain a joint seniority list of the two categories so as to avoid any prejudicial assignment in seniority to the affected officers. Needless to say that after 2008, one separate cadre has been created and the acknowledged administrative instinct of the respondents would naturally dictate a separate seniority.

The aforesaid question posed before this Court is thus answered as above and it declared that prior to 2008, the respondents would be obliged to maintain a common seniority for both the categories i.e. P.A.P. and District Police.

In one of the petitions, i.e. C.W.P. No.6501 of 2013, learned counsel for the private respondents has raised the issue



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of delay to contend that the matter has been agitated belatedly. I would not treat this plea to be worthy of acceptance considering the fact that the seniority stood recast in the year 2011 and the first petition in this regard was filed in 2011 itself. The plea is therefore, rejected.

The petitions are thus disposed of with a mandate to the respondents to recast the seniority of the officers by keeping in view the observations of this Court. The respondents would do well to give wide publicity to the exercise proposed to be undertaken and invite the claims and objections from all affected so as to obviate the chances of any objection on this score. While dealing with the matter, the respondents would be at liberty to take an appropriate decision in regard to the individual claims and pass speaking orders in this regard.”

6. The respondent in compliance of aforesaid judgment prepared a joint seniority list of PAP and District Police. Few Police Officials especially sports persons were liable to be reverted on account of joint seniority list. The respondent in the Cabinet Meeting discussed the matter and decided to carve out a Dying Cadre for those Police Officials especially Sports Persons who were going to be reverted on account of joint seniority list.

7. The respondent after preparing joint seniority list decided to divide all the members forming part of said list into two Cadres i.e. District Police and PAP. The petitioners preferred petitions before this Court assailing bifurcation of one Cadre into two Cadres i.e. District Police and PAP. This Court vide order dated 08.11.2016 directed the respondents not to make any promotion to the post of Deputy Superintendent of Police (DSP). The said order was modified vide order dated 15.12.2016 to the extent that in case any order of giving current duty charge/duty charge is to be passed, the seniority of the Officers be taken into consideration. The respondent on 22.05.2018 made a



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statement before this Court that State will invite fresh options from all concerned Officers in the order of seniority. The date of exercising option shall be notified to all. The respondent filed an affidavit dated 28.05.2018 before this Court deposing that State has decided to reconsider the matter and offered another chance to Officials to exercise option before bifurcating the seniority list into two Cadres. The order dated 29.05.2018 passed in the main case reads as:

“Main case

In pursuance to the order dated 22.05.2018, an affidavit dated 28.05.2018 of Sh. Gaurav Garg, IPS, Assistant Inspector General of Police, Personnel-III, Punjab has been filed today in the Court and the same is taken on record as Mark 'A'.

As per the affidavit, the State has decided to reconsider the matter and afford another chance to exercise option to all concerned before bifurcating the seniority list into two cadres as per joint seniority. A notice inviting options for the cadre of PAP or District cadre will be given which is stated to be 10 days but at the asking of the Court, the State has agreed to allow 21 days to exercise the options and submit the same to the competent authority within 21 days. To ensure justice to all the stake holders, the same shall be invited by a public notice to be issued in the newspaper having wide circulation in the State of Punjab indicating the entire schedule of exercising the options. The options so received shall be uploaded on the website of the Punjab Police Department with clear indication of last date for exercising the options. To ensure that it reaches to all the concerned, the concerned Senior Superintendents of Police will also be informed of the action taken and accordingly, the seniority list will be framed.

Post again on 27.08.2018.

The State shall complete the exercise as reflected in the affidavit (Mark-A). Reply by the remaining respondents be filed in the meantime.



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The promotion, if any made shall be subject to the outcome of the present case.”

8. The petitioners filed their option and in terms of options filed by all the Officials, the respondent bifurcated joint seniority list into two Cadres i.e. District Police and PAP. The petitioners opted for PAP and they have been further promoted as DSP. It is apt to mention here that 2007 Act and PPR are applicable to Subordinate Officers which do not include DSP.

9. Learned counsel representing the petitioners led by Mr. Gaurav Chopra, Senior Advocate submit that Section 4 of 2007 Act provides five Cadres i.e. Armed Police, District Police, Investigation, Intelligence and Technical and Support Services. The respondent invited options for two Cadres i.e. District Police and PAP. As per Section 4 of 2007 Act, there are five Cadres, thus, respondent was bound to offer options for all the five Cadres. The 2007 Act came into force w.e.f. 20.02.2008 and as per Section 80 of 2007 Act, the respondent was bound to frame Rules within one year from the date of implementation of 2007 Act. The respondent has miserably failed to frame Rules in terms of Section 80 of 2007 Act. There is no provision in the PPR or 2007 Act which permits bifurcation of one Cadre into two Cadres i.e. District Police and PAP. If respondent was of the opinion that joint seniority list should be bifurcated, there was no reason to offer option for two Cadres. The respondent has already curated five Cadres, thus, option ought to be given for all the cadres. The respondent has further protected seniority of sports persons and few other Officials who were going to be reverted on account of joint seniority list. There is no provision in the PPR or 2007 Act which permits State Government to create Dying Cadre.



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10. *Per contra*, learned State counsel submits that State Government in compliance of directions of this Court prepared joint seniority list of members of District Police and PAP. Prior to 2007, there was no specific provision for creation of District Police and PAP still two separate Cadres were constituted. The respondent, in compliance of orders of this Court, merged both the Cadres and prepared a joint seniority list. During the pendency of this writ petition, the respondent invited options from members of joint seniority list. The matter was brought in the knowledge of this Court. Interim orders were passed by this Court. The petitioners furnished their option and as per their option, they were allocated to District Police or PAP. The petitioners have been further promoted, thus, by their act and conduct they have acquiesced action of the respondent. The respondent protected rank of few Officials by curating Dying Cadre. It was a policy decision and interference in policy decision is not warranted. No prejudice by curating dying cadre was caused to the petitioners.

11. Heard the arguments and perused the record.

12. From the perusal of record, it is evident that prime argument of the petitioners is that respondent has not framed Rules as required under Section 80 of 2007 Act. As per Section 85 of 2007 Act, PPR shall remain in force until superseded. Sections 80 and 85 of 2007 Act read as:

Section 80 of 2007 Act

“ 80. (1) *The State Government shall, by notification in the Official Gazette, make rules for carrying out the purposes of this Act, within one year from the date on which this Act, come into force.*

(2) *Every rule made under this Act, shall be laid, as soon as may be, after it is made, before the House of the State Legislature, while it is in session, for a total period of fourteen days, which may be comprised in one session or in two or more*



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successive sessions, and if, before the expiry of the session in which it is so laid or the successive sessions as aforesaid, the House agrees in making any modification in the rules, or the House agrees, that the rules should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done or omitted to be done under that rule.”

[Emphasis supplied]

Section 85 of 2007 Act

“ 85. The Punjab Police Rules, 1934, framed under the Police Act, 1861 (Central Act 5 of 1861), shall remain in force, unless those rules are specifically superseded.”

13. A conspectus of afore-cited Sections reveals that State Government was supposed to make Rules for carrying out purposes of the Act within one year from the date of implementation of the Act. The Act was brought into force w.e.f. 20.02.2008, thus, Rules were required to be framed by 20.02.2009. At the first blush, argument of the petitioners seems to be attractive and convincing, however, cannot be countenanced because of reasons discussed hereinafter.

14. The members of Police Force upto the rank of Inspector are governed by Punjab Police Rules. These Rules are in the form of complete code comprising provisions with respect to recruitment, promotion, punishment, appeal, duties of police officers etc. The legislature while enacting 2007 Act did not repeal PPR. As per Section 85 of 2007 Act, PPR shall remain in force unless specifically superseded. The State in view of availability of PPR did not find it necessary to frame Rules in terms of Section 80 of 2007 Act. Had there



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been no Rules in existence, the State was duty bound to frame Rules for the effective implementation of 2007 Act.

15. The State Government felt need to frame Rules with respect to recruitment, promotion and punishment of members of Intelligence Cadre, accordingly, Punjab Intelligence Cadre (Group 'C') Services Rules, 2015 (for short 'Intelligence Cadre Rules') were framed. Intelligence Cadre Rules are in addition to PPR. Rule 15 of Intelligence Cadre Rules provides that members of service would be governed by PPR with respect to matters not covered by Intelligence Cadre Rules. Rule 15 reads as:

“ 15. Application of the rules.- For all other aspects the Punjab Police Rules, 1934 shall be applicable to the members of Service except rules 13.21 and 21.25.

Provided that any order issued or any action taken under the aforesaid rules, shall be deemed to have been made or taken under the provisions of these rules.”

16. The Intelligence Cadre Rules and in particular Rule 15 clarifies the position. The Intelligence Cadre Rules have been framed in exercise of power conferred by Section 80 of 2007 Act. Similarly, the State Government has framed Punjab Police Technical and Support Services Cadre Group-C Service Rules, 2021 (for short 'TSS Rules'). Rule 17 of TSS Rules is *mutatis mutandis* to Rule 15 of Intelligence Cadre Rules. Rule 17 reads as:

“Rule - 17. Savings :-

The provisions of the Act and the Punjab Police Rules, 1934, shall continue to apply, wherever these rules have no provision(s), without any prejudice to these rules. Nothing in these rules shall affect the Reservations, relaxation(s) of age limit and other concessions required to be provided for Scheduled Castes, Scheduled Tribes, other Backward classes,



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Economically Weaker Sections, Women, Ex-servicemen and other special categories of persons in accordance with the orders issued by the State Government in this regard.”

It shows that Government framed Rules where there was necessity. The Government despite framing Rules with respect to members of Intelligence Cadre and TSS Cadre did not supersede PPR qua those cadres. Inescapable inference is that State Government has not found it necessary to frame separate Rules for members of District Police and PAP.

17. Section 22 of the Punjab General Clauses Act, 1898 provides that where any Punjab Act is repealed and re-enacted with or without modification, then, unless it is otherwise expressly provided, rules or bye-laws made under the repealed Act shall continue in force and be deemed to have been made under the provisions so re-enacted. Section 22 of Punjab General Clauses Act, 1898 reads as:

“ 22. Where any Punjab Act, is repealed and re-enacted with or without modification, then, unless it is otherwise expressly provided, any appointment notification, order, scheme, rule, form or bye-law, made or issued under the repealed Act, shall so far as it is not inconsistent with the provisions re-enacted, continue in force, and be deemed to have been made or issued under the provisions so re-enacted, unless and until it is superseded by any appointment notification, order, scheme, rule, form or bye-law made or issued under the Provisions so re-enacted.”

18. From the perusal of above quoted Section, it is evident beyond the pale of doubt that where any State Act is repealed and re-enacted, rules or bye-laws made under repealed Act shall continue in force unless specifically repealed or are inconsistent with re-enacted provision. In the case in hand, the



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State Legislature repealed 1861 Act and introduced 2007 Act. The Punjab Police Rules, 1934 were framed under 1861 Act. There is no provision in 2007 Act disclosing that State has intention to supersede or has superseded PPR rather there is Section 85 which protects PPR.

19. In the wake of above discussion and findings, this Court finds that it was prerogative of State Government to frame new Rules under 2007 Act. This Court cannot ask State to frame Rules. The situation could be little different, had State Government prepared draft Rules but not notified.

20. The petitioners have raised another issue of bifurcation of joint cadre into two cadres i.e. District Police and PAP. The petitioners are of the opinion that as per Section 4 of 2007 Act, there are five cadres, thus, joint cadre ought to be bifurcated into five cadres. The members of joint cadre ought to be given option to opt any of five cadres. This Court in *SI Pardeep Singh (Supra)* directed the State Government to prepare joint seniority list of members of District Police and PAP. At the time of passing of said order, many officers holding subordinate ranks were working with Telecommunication and Intelligence Wing. There was no merger of members of aforesaid wings. There was merger of only District Police and PAP. As there was merger of members of District Police and PAP, the State was right in its action in inviting option for District Police or PAP. The members of PAP or District Police could not be shifted to Intelligence or Telecommunication cadres. Contention of petitioners that they ought to be given option to apply for other cadres is misconceived, thus, hereby rejected.

21. There is another aspect of the matter. During the pendency of instant petition, the respondent moved an application before this Court



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deposing that they are going to invite options from members of joint seniority list for District Police and PAP. The petitioners did not raise objection rather submitted their option either for District Police or PAP. They have been further promoted. By their act and conduct, they have acquiesced action of the respondent.

22. The petitioners though not vehemently yet have argued that respondent without any specific provision in the Act and PPR has protected rank of few officers while preparing joint seniority list. The respondent discussed the matter in the meeting of Cabinet and thereafter resolved to carve out dying cadre for the officers who were going to be demoted on account of preparation of joint seniority list. It was a policy decision and State is always competent to create or abolish any cadre. The Court has no right to create or abolish any cadre or ask State to create or abolish any cadre. It is pure discretion of the State Government. There is no provision in 2007 Act which prohibits State Government to create dying cadre. In the absence of specific restraining provision, the State was within its competence to carve out a dying cadre. In any case said cadre did not affect promotional avenues of the petitioners, thus, their grievance is more academic than real and substantive.

23. In the wake of above discussion and findings, all the petitions deserve to be dismissed and are accordingly dismissed.

(JAGMOHAN BANSAL)
JUDGE

22.01.2026
SDK

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