IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No.16706 of 2024
Date of decision: 31.12.2024

Manohar Lal. ...Petitioner.

Versus

State of H.P. & Ors. ...Respondents.

Coram:

Ms. Justice Jyotsna Rewal Dua, Judge.

Whether approved for reporting?

For the petitioner : Mr. R.K. Parmar, Advocate.

For the respondents : Ms. Leena Guleria, Deputy Advocate General.

Jyotsna Rewal Dua, Judge

Notice. Ms. Leena Guleria, Deputy Advocate General, appears and waives service of notice on behalf of the respondents.

2. The petitioner served as a Head Constable in the respondent-Police Department. He submitted a representation in June 2019 for premature/voluntary retirement due to bad health and adverse domestic/family circumstances. Respondents accepted the petitioner's representation, and he was allowed to proceed on premature/voluntary retirement with effect from 31.08.2019, vide office order dated 20.06.2019.

Whether reporters of Local Papers may be allowed to see the judgment? Yes

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3. Three years later, on 12.09.2022, the petitioner moved another application to respondent No.4, Superintendent of Police, Bilaspur, praying for his re-enlistment/rejoining. Respondent No.4 considered the fact that the petitioner's request for premature/voluntary retirement had been accepted vide office order dated 20.06.2019. Respondent No.4 also considered the provisions contained in Punjab Police Rules, more particularly, Rule 12.24(1) for re-enlistment in service, which reads as under:-

> *12.24 Enlistment of ex-soldiers, reservists and ex-police officers. (1) Re-enrolment in the rank of constable is permitted and past service will count for pension under the following conditions, and subject to the further conditions as to pensions contained in rules 9.2 and 9.29:-*
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> *(a) Ex-soldiers of the Indian Army and ex-members of police forces (including Military Police), paid for from the general revenues of India, may be enlisted as constables on production of a discharge certificate showing their previous service to have fulfill the physical and other standards required by these rules for first appointments. They must also be passed medically fit by the same standards as are applied to recruits.*
>
> *(b) Age of the date of enrolment in the police must be below 30, but ex Punjab police officers, and, with the special sanction of the Inspector General in each case, ex-soldiers and ex-members of other police forces may be re-enlisted up to the age of 55, if they present themselves for re-enrolment and are found medically fit within two years of their discharge.*
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> *(c) The break in service between the date of discharge and between 1st days of the month in which enrolment process is started shall not exceed four years.*

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(d) No claim to count previous service for pension shall be allowed unless the previous service claimed was declared and verified at the time of enrolment in the police.

(e) Service in a body of additional police shall be counted for increments in the case of a constable transferred to the regular force immediately on such transfer."

4. As per the applicable Punjab Police Rules, re-enlistment could only be made within two years of premature/voluntary retirement, and the petitioner had proceeded on premature/voluntary retirement on 31.08.2019, he had already completed three years by 31.08.2022. Therefore, his request for re-enlistment/ rejoining services, made on 12.09.2022, was rejected vide office order dated 18.11.2022 being beyond the prescribed time limit. The petitioner's appeal against this order was dismissed by the Inspector General of Police, Central Police Range, Mandi (respondent No.3), on 12.07.2023.

The above facts are not in dispute. It is an admitted position that the petitioner was permitted to retire voluntarily/prematurely vide office order dated 20.06.2019, with effect from 31.08.2019, at his own request. The petitioner has also not disputed that, under the applicable Rule 12.24(1) of the Punjab Police Rules pertaining to re-

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enlistment in service, he had already crossed the time limit for making such a request. Hence, no interference with the impugned order is called for. The writ petition fails and to stand dismissed.

Pending miscellaneous application(s), if any, shall also to stand disposed of.

Jyotsna Rewal Dua
Judge

31th December, 2024
(Pardeep)

High Court of H.P.

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