

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

**CWP No.8411 of 2012 (O&M)  
Decided on :19.12.2015**

Satbir Singh

... Petitioner

Versus

State of Punjab and others

... Respondents

**CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA**

Present : Mr. K.R. Dhawan, Advocate for the petitioner.

Mr. L.S. Virk, Addl. AG, Punjab.

**G.S. Sandhawalia , J. (Oral)**

The petitioner seeks direction to absorb him as a constable in the Punjab Armed Police and not to terminate his services.

It is the case of the petitioner that he was recruited as Special Police Officer (SPO) in Punjab Police on 23.09.1994 and continued to work as an SPO. For the purpose of absorption in the Punjab Armed Police his medical was conducted in May, 2008 and he was found fit and belt No.13/887 was allotted him. Thereafter, another medical test was conducted in December, 2008 and he was declared unfit, but no written intimation was given. Legal notice was served upon the respondents, wherein he was informed that he was declared medically unfit. He was, accordingly, being pressurized to give his written consent to join the Punjab Home Guard as a fresh appointee.

A perusal of Annexure P-5 dated 12.04.2012 would go on to show that in response to the legal notice, the Additional

Director General of Police had communicated to the counsel for the petitioner that case of absorption of the petitioner had been considered and filed being medically unfit vide office memo No. 6000/E-3(4), dated 29.05.2009 and the absorption order dated 24.06.2009 has been withdrawn.

In the written reply filed by the respondents, it has been averred that all the SPOs working in the Punjab State were considered for the post of Constable in the year 1997, 2000, 2002 and 2004. The petitioner had passed suitability test in the year 2002, but due to less eye vision he was found medically unfit. The medical certificate of the petitioner was attached as Annexure R-4.

Perusal of the said certificate dated 01.01.2009 issued by Civil Surgeon, Ludhiana would go on to show that petitioner has the -5 and -2.5 number in his right and left eye, respectively. It is on this basis the respondents are denying the absorption and vide order dated 24.06.2009 the constabulary number was withdrawn. The petitioner was, thereafter, sent to the Punjab Home Guard along with other unsuitable SPOs and he is stated to be absent from 18.05.2012.

In the additional affidavit filed by the Superintendent of Police, Ludhiana (Rural) in pursuance of the order passed by this Court on 30.11.2012. Reliance has been placed upon Appendix 12.16 of Punjab Police Rules to submit that the both eyes should

have 6/6 vision without glasses. Reliance has also been placed upon the standing order No.3 of 1985.

Counsel for the petitioner has vehemently placed reliance upon the examination which he had got conducted on 29.05.2008 from the Punjab Health Systems Corporation, Civil Hospital, Jagraon to submit that his vision was prefect. However, a perusal of Annexure P-8 which has been placed on record by him from a private hospital shows otherwise. The petitioner eye vision even in that prescription is having -2 and -1.5 in the right and the left eye, respectively. The petitioner had been sent to the Civil Surgeon, Ludhiana in the year 2009, in pursuance of the medical examination which was to be conducted on the SPOs for recruitment as constables and had been duly examined by the competent authority which had found that he was having a less vision in his eyes. The rules provide that the constables who are having this disqualification are not liable to be appointed.

In such circumstances, the action of the respondents in not absorbing him cannot be faulted, specially keeping in view the nature of job of the petitioner.

In view of the above, there is no scope for interference in the present writ petition and same is accordingly dismissed.

**DECEMBER 19, 2015**

*Naveen*

**(G.S. SANDHAWALIA)  
JUDGE**