

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

CWP No.26524 of 2014

Date of decision:19.01.2015

Vinod Kumar

... Petitioner

Vs.

State of Haryana & others

... Respondents

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present: Mr. R.S. Chahal, Advocate for the petitioner.

....

TEJINDER SINGH DHINDSA, J.

The instant writ petition has been filed praying for the issuance of a writ of mandamus for directing the respondents to grant to the petitioner the benefit of seniority as also other service benefits on the post of Constable w.e.f. the date other candidates were selected and appointed.

Counsel appearing for the petitioner would contend that the petitioner belongs to the Scheduled Caste category and had submitted application in response to a recruitment process that was initiated in the year 2000 for enrollment to the post of Constable. It is further contended that the result of the recruitment process was declared on 13.10.2000 and in which the name of the petitioner figured in the select list. However, the Superintendent of Police, Fatehabad declined to issue enrollment number to the petitioner on the ground that the petitioner was not having Haryana Domicile Certificate.

It has been argued that the petitioner was ultimately issued

appointment letter in the year 2011 and having joined on the post of Constable, he would be entitled to all the benefits that were given to other candidates who were selected and appointed as Constables in the same very selection and recruitment process.

Having heard counsel for the petitioner at length and having perused the pleadings on record, this Court is of the considered view that the claim raised in the instant writ petition cannot be accepted.

It has gone uncontroverted that on account of having not been issued appointment letter and enrollment number in the year 2000, the petitioner had filed CWP No.11606 of 2001 and the same was disposed of on 23.03.2010 in the light of the following orders:

*“Present: Mr. Arun Lakhanpal, Senior Advocate with
Mr. Arjun Lakhanpal, Advocate for the petitioner.*

Ms. Priyanka Dalal, AAG, Haryana.

....

Ms. Priyanka Dalal, the learned Assistant Advocate General, Haryana has made a statement that as and when the vacancy arises due consideration would be given to the petitioner and he shall be appointed subject to production of Scheduled Castes certificate and domicile of Haryana.

In view of this, the learned senior counsel appearing for the petitioner has accepted the offer made by Ms. Priyanka Dalal, AAG, Haryana and suffered a statement that in case the petitioner would be given appointment as Constable, he will not claim any seniority etc.

The present petition is disposed of in terms of the statement made above.

However, it is made clear that the parties shall be bound by their statements.

March 23, 2010

*Sd/- H.S. Bhalla
Judge.”*

Perusal of the order reproduced herein above would make it apparent that the petitioner had accepted an offer made on behalf of the State as regards grant of appointment to the post of Constable and had suffered a statement that in the eventuality of any such offer being made, he would not claim benefit of seniority etc.

Having suffered such statement before this Court and having accepted an offer of appointment, it would not be open for the petitioner to now raise a claim seeking virtual ante dated appointment to the post in question w.e.f. the year 2000. That apart, it may also be noticed that in CWP No.11606 of 2001 that the petitioner had filed before this Court, his claim seeking appointment to the post of Constable w.e.f. the year 2000 along with other candidates, who had also participated in the process of selection was never adjudicated upon on merits. Such petition was disposed of in terms of an offer having been made on behalf of the employer and the same having been accepted by the petitioner and by undertaking that he would be forgoing his claim as regards seniority etc.

The petitioner would be bound by the statement furnished before this Court and which in turn had led to the disposal of CWP No.11606 of 2001. His claim as regards seniority and other service benefits to relate back from the year 2000 is rejected.

The civil writ petition is dismissed.

19.01.2015*harjeet***(TEJINDER SINGH DHINDSA)
JUDGE**