

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Civil Writ Petition No. 903 2015

DATE OF DECISION : May 18, 2015

Jaswinder Singh

..... PETITIONER(S)

VERSUS

The State of Punjab & ors.

.... RESPONDENT(S)

CORAM : HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. K.G. Chaudhary, Advocate, for the petitioner.

...

1. Whether Reporters of local newspapers may be allowed to see the judgment? YES/NO

2. To be referred to the Reporter or not? YES/NO

3. Whether the judgment should be reported in the digest? YES/NO

...

ARUN PALLI, J. (Oral)

A writ in the nature of certiorari is prayed for, so as to quash the order dated 02.01.2015 (Annexure P-4), passed by respondent No.3, vide which claim of the petitioner for consideration of his claim for appointment to the post of Constable in Ex-serviceman category, has been declined.

A bare analysis of the order being assailed (Annexure P-4) reveals that 95 posts of Male Constables were advertised in

the year 2010 for enlistment as Constables. As per Roster Register, 46 posts were earmarked for general category, 10 for backward class, 12 for SC category-A, 12 for SC category (O) and 12 posts were enlisted for Ex-servicemen. Concededly, petitioner competed for selection against a post reserved for Ex-serviceman candidate. Against all the 12 posts reserved for Ex-serviceman, 12 candidates were selected, followed by their appointment in October, 2011. As petitioner failed to make a cut, he was wait listed in the Ex-serviceman category, as reflected in Waiting List (Annexure P-2). One of the candidates i.e. Harnek Singh, No.620/LDH(R), unfortunately, passed away on 13.03.2013. That being so, after almost two years of the demise of Harnek Singh, petitioner served the authorities with a legal notice dated 06.12.2014 (Annexure P-3) and staked his claim for appointment in place of the deceased, being on the Waiting List. In response, claim of the petitioner was considered and declined by the Senior Superintendent of Police, Ludhiana (Rural), respondent No.3, vide order dated 02.01.2015 (Annexure P-4), as late Harnek Singh was enlisted as Constable as per Roster Register on merit and served up to 1 year 4 months and 21 days. Further, though the petitioner fulfilled the eligibility criteria for appointment, but his claim for enlistment on the post of Ex-Constable Harnek Singh could not be considered as the same was reserved for the kin of the deceased.

On 21.01.2015, this Court had passed the following

order :-

“Prima facie the contention raised by the petitioner that his name appeared in the waiting list and upon a vacancy having been created on the death of the selected person, he would be entitled to the same, would not be acceptable as waiting list has a life.

Learned counsel for the petitioner prays for some time to show that the waiting list in the given set of circumstances would still survive.

Adjourned to 18.5.2015.”

Neither anything is brought on record nor could be demonstrated during the hearing, to show that the waiting list was alive and in operation even after the appointments were made as back as in October, 2011. Further, as indicated in the order being assailed dated 02.01.2015 (Annexure P-4), claim of the petitioner for enlistment as Constable could not be considered against the post held by late Harnek Singh as the same was reserved for his kin.

That being so, no interference in exercise of extra ordinary jurisdiction under Article 226 of the Constitution is warranted. The petition, being devoid of merit, is dismissed.

MAY 18, 2015
Kang

(ARUN PALLI)
JUDGE