

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

LPA No.380 of 2012 (O&M)

Date of decision: 25.02.2015

State of Punjab

....Appellant

versus

Gurveer Singh and others

....Respondents

**CORAM: HON'BLE MR. JUSTICE SATISH KUMAR MITTAL
HON'BLE MR. JUSTICE DEEPAK SIBAL**

Present: Mrs. Munisha Gandhi, Addl.A.G., Punjab.

Mr. R.K. Arora, Advocate, for the respondents.

DEEPAK SIBAL, J.

Through the present intra-Court appeal filed under clause X of the Letters Patent the State of Punjab challenges judgment dated 22.07.2011 passed by a learned Single Judge of this Court allowing the writ petition (CWP No.11956 of 2009) filed by the respondents.

A perusal of the judgment under appeal shows that the learned Single Judge while allowing the writ petition filed by the respondents directed the appellant-State of Punjab to appoint the respondents as Constables within four months from the date of passing of the impugned judgment. The primary ground on which the writ petition was allowed was that the Gram Panchayat of village Sangu Dhaun had given land to the Punjab Police for construction of Police Lines and while giving such land there was an oral understanding between the Director General of Police, Punjab and the Gram Panchayat of the village that 10 eligible unemployed persons from the village would be recruited as Constables.

It was the case of the respondents that on the basis of the oral

understanding, the Gram Panchayat of the village through resolution dated 14.02.2008 had recommended the appointment of 10 persons but the appellant had only appointed five persons inspite of the fact that all the respondents were eligible. The learned Single Judge while holding that there was an agreement between the parties for appointment of 10 persons had allowed the writ petition filed by the respondents and directed the appellant to appoint them as Constables.

We have heard the learned counsel for the parties and with their able assistance, have gone through the record of the case.

The primary issue which arises for consideration before us is whether there was any agreement between the Gram Panchayat of the village and the appellant for appointment of 10 unemployed persons as Constables in the Punjab Police. The State of Punjab in its affidavit has clearly denied such agreement. There is no rejoinder filed to the same. No further material has been placed on the record before this Court which would even remotely suggest that there was any agreement between Gram Panchayat of village Sangu Dhaun and the appellant for appointing 10 unemployed persons from the village. It is further come on record that the land given by the Gram Panchayat to the appellant was for a hefty payment of ₹ 60,21,525/-. This crucial fact regarding payment having been made for the land has conveniently been withheld by the petitioners in the writ petition.

Learned counsel appearing on behalf of the respondents merely relies upon the resolution passed by the Gram Panchayat wherein recommendations were made by the Gram Panchayat for appointment of 10 persons as Constables from the village Sangu Dhaun. We cannot

except this unilaterally resolution passed by the Gram Panchayat to be a binding agreement upon the appellant.

In view of the above, while allowing the present appeal we set aside the impugned order passed by the learned Single Judge.

No costs.

(SATISH KUMAR MITTAL)
JUDGE

(DEEPAK SIBAL)
JUDGE

February 25, 2015

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