

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

CWP No.1655 of 1998(O&M)

Date of decision:16.5.2016

Darshan Singh

... Petitioner

Versus

State of Punjab & anr.

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: None for the petitioner.

Mr. Harkesh Manuja, Addl.A.G., Punjab.

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

RAJIV NARAIN RAINA, J.(Oral)

1. There is sufficient acceptable explanation in preliminary objection No.1 of the return not to interfere in this matter of reversion from the post of Constable to Special Police Officer (SPO). The resultant effect has flowed from directions issued by this Court on December 12, 1996 in CWP No.7451 of 1996 (SPO Lal Mohamad & ors. v. State of Punjab & ors.) reported in 1996 (6) SLR 409. The Court had issued directions to the respective Senior Superintendents of Police to consider the claim of the petitioners therein for absorption as Constables w.e.f. the date their juniors were appointed as Constables in Punjab Police. It was in implementation of these directions that the petitioner was reverted to the original position of SPO. Besides, it has been pointed out in preliminary objection No.2 that SPOs who were enlisted prior to February 26, 1994 were senior to the petitioner and they were still

working as SPOs. The State explains that in order to implement the judgment dated December 12, 1996, there were two options available with the respondents, namely:-

“i) To allot constabulary numbers to all senior SPOs from the date petitioner was absorbed as Constable.

ii) To **replace** the petitioner to the post of SPO and to allot constabulary number to suitable SPOs strictly in accordance with their seniority.”

2. Resort was had to method (ii), which is a view that any reasonable person may have taken in the circumstances. Therefore, no ground for interference is made out against the reversion order as a natural consequence of the domino effect or chain reaction.

3. Dismissed.

(RAJIV NARAIN RAINA)
JUDGE

16.5.2016
monika