

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

Date of decision: 13.05.2016

CWP No.357 of 1998 (O&M)

Davinder Singh

...Petitioner

Vs.

State of Punjab & others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Manu K. Bhandari, Advocate, for the petitioner.

Mr. Harkesh Manuja, Addl. AG, 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)

No promise was held out by the State of Punjab, when the petitioner was appointed as Constable in the Punjab Police. If the third respondent took personal decisions at his own level in asking the petitioner to resign from his job in the Border Security Force to enable him to join the Punjab Police as a sports person of repute, then the petitioner's grievance and the remedy lies personally against the third respondent to claim relief of damages for creating false hopes, but not as against the interests of the State of Punjab in the matter of public service. Neither did the State of Punjab give the petitioner any hope in writing nor did legitimate expectation that he would be appointed to the higher post of Inspector in the Punjab Police based on sports quota than the one he accepted after resigning from the BSF. Besides, the admitted position is that the writ petition was filed in the year 1998 after lapse

of 16 years of the induction of the petitioner into the Punjab Police as a Constable and, therefore, the claim, if any, has turned stale and without life, even if he had a vestige of it to begin with. The limitation to bring action against alleged cause of action counted from when he thought he was let down from the assurance given by the third respondent who was then an Inspector General of Police, Punjab of helping out with an appointment to a superior post than Constable had run out by the time he took recourse to law. In this factual situation the petitioner is held not entitled to a mandamus to the respondent - State to appoint him on a post higher than that of Constable in yester years. Admissions made by the third respondent in his written statement that he offered higher post than the one appointed on is not binding on the State. It was made well after he had demitted office.

For these reasons, the present petition lacks merit and substance and is hereby dismissed as not warranting interference by way of in writ.

13.05.2016
Vimal

[RAJIV NARAIN RAINA]
JUDGE