

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

**Civil Writ Petition No. 14289 of 2016 (O&M)
Date of Decision: 29.09.2016**

Harjinder Singh

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Vaibhav Narang, Advocate
for the petitioner.

JASWANT SINGH, J. (ORAL)

CM No. 10034 of 2016

Present application is for placing on record copy of challan/police report in case FIR No. 08 dated 10.02.2006 under Sections 223/224 of Indian Penal Code, Police Station C-Division, Amritsar, wherein petitioner-Harjinder Singh was placed in column No. 2.

For the reasons set out in the application, the same is allowed and the document **Annexure P-11** is taken on record.

MAIN CASE

The petitioner is stated to be working as Special Police Officer (SPO) with the Punjab Police. By filing the present writ petition, the petitioner is seeking a mandamus to the respondents to pay him the back wages and other benefits for the period from where he was out of work and remained suspended; and with the further prayer that his services be regularized.

Learned counsel for the petitioner heard.

In brief the facts are that the petitioner was engaged on Daily Wage Basis as SPO with the Punjab Police in February 2006, and he was discharged from services on 14.03.2006 due to registration of FIR No. 08 dated

10.02.2006 under Section 223, 224 of Indian Penal Code, Police Station C-Division, Amritsar. The allegations was that the petitioner alongwith other officials had permitted a under trial, during investigation in case FIR No. 07 dated 09.02.2006 for offences under Sections 15/61/85 of Narcotic Drugs and Psychotropic Substances Act, to slip away from police custody, leading to the registration of the aforesaid FIR No. 08. Since in the enquiry conducted by the police as also in the investigation, the petitioner was found innocent, he filed a writ petition bearing CWP No. 17330 of 2011 seeking reinstatement with all back wages. The said writ petition was disposed of vide order dated 15.09.2011 (**Annexure P-6**) directing the authorities to pass a speaking order, and accordingly, order dated 18.12.2012 (**Annexure P-7**) came about to be passed, whereby the petitioner was ordered to be reinstated, while denying him all back wages on the principle of *no work no pay* to a daily wager, like the petitioner.

It is a conceded position that the aforesaid order dated 18.12.2012 (**P-7**) has attained finality, and has never been challenged by the petitioner. At this stage even that would be barred by limitation. Hence, no mandamus for appointment of back wages can be issued nor is justified on merits. As regards the claim for regularization, no policy entitling the same has been placed on record or relied upon.

In view of above, no case for interference is made out, accordingly, the present petition stands dismissed.

September 29, 2016

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**(JASWANT SINGH)
JUDGE**

Whether Speaking/reasoned	Yes
Whether Reportable	No