

CWP No.2153 of 2013

Manoj Kumar
2016.09.02 15:24
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**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

**CWP No.2153 of 2013
Date of Order: 02.09.2016**

Balkar Singh

....Petitioner

Versus

State of Punjab and Ors.

....Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Nakul Sharma, Advocate for the petitioner.

Mz. Puneet Kaur Sekhon, Addl.A.G, Punjab.

JASWANT SINGH, J (ORAL)

The petitioner, who is working as SPO in the Punjab Police, has sought for issuance of a writ of Certiorari for quashing order dated 19.7.2010 (P.11) passed by respondent No.5 cancelling his appointment as Constable because of registration of FIR No.115 dated 10.5.2006 (P.1) registered against him at P.S Sadar Ferozepur under Sections 420/471/465/467/468/120-B/197/218 IPC.

Upon notice, reply by way of affidavit dated 25.11.2014 of Vibhor Kumar, Deputy Superintendent of Police (HQ), District Ferozepur on behalf of respondent Nos.1 to 5 has been filed wherein it is stated that the petitioner was appointed as SPO in Ferozepur District on daily wages due to terrorism in the State. It is stated that some SPOs were absorbed as Constables on out of

turn of their seniority as per their good work against the terrorists, suffered at the hands of terrorists. It is alleged that the case of the present petitioner was also considered for allotment of Constabulary Number and he was allotted 6th IRB Ladda Kothi. Before joining the 6th IRB, on verification conducted through the Intelligent Wing, it was found that two criminal cases were registered against the petitioner i.e FIR No.115 dated 10.5.2006 under Sections 197,218,420,465,467,468,471,120-B IPC registered at PS Sadar Ferozepur and another case bearing FIR No.75 dated 22.6.2006 under Sections 457,380,411 IPC registered at PS Raikot, Police District Jagraon

When the case came up for hearing on 05.4.2016, this Court had passed the following order:

“Of the two FIRs, the petitioner was acquitted in one of them prior to the filing of the petition while the other FIR also led the acquittal, but during the pendency of the petition. The result is that the petitioner has been found innocent in both the FIRs. Since a supervening event has happened with acquittal, the State Government / Police Department would require to re-visit the order removing the petitioner from the post of Constable and converting him into SPO, as was the original position. The final decision be taken in the matter by reason of honourable acquittal in both the criminal cases.

Let the competent authority in the Police Department deliberate on the issue and present findings before this Court on or before 02.09.2016.”

In response to the aforesaid order, learned State

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counsel has produced a copy of order dated 24.8.2016 passed by the Commandant 6th IRB Ladda Kothi, Sangrur vide which the petitioner has now been absorbed as Constable in the Department thereby rendering the present writ petition infructuous.

Learned counsel for the petitioner submits that although the primary grievance of the petitioner has been vindicated, however, with regard to ancillary benefits, the petitioner may be granted liberty to make appropriate representation, if any.

Disposed of as infructuous with the aforesaid liberty.

September 02, 2016
manoj

(JASWANT SINGH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable : Yes/No