

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

**C.M. No. 9299 of 2016 and
CWP No. 22458 of 2013**

Date of Decision:- 16.12.2016

Kulwinder Singh

....Petitioner

vs.

State of Punjab and others

....Respondents

CORAM:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. Jasbir Singh, Advocate,
for the petitioner.

Mr. L.S. Virk, Addl. A.G., Punjab.

DAYA CHAUDHARY, J. (Oral)

The petitioner was initially appointed as Special Police Officer (SPO) and thereafter his name was approved for enlistment as Constable in PAP under 10% quota as per provisions contained in Standing Order No. 2/1997 vide letter dated 7.12.2001. He was considered for selection and his name was approved in the year 2001-2002 by giving constabulary No.1090/C in the year 2004-2005.

Learned counsel submits that similarly situated employees, who were also selected in the year 2002 along with the petitioner, have already been given benefit of past service rendered by them as SPO. Even the GPF number has also been allotted to all similarly situated but the claim of the petitioner has not been taken into consideration. Learned counsel submits that case of the petitioner is squarely covered by decision rendered in **CWP No. 24472 of 2015** titled as **Constable Rajesh Kumar and others vs. State of Punjab and another**, decided on 07.01.2016.

Learned counsel for the respondent-State has not disputed the ratio of judgment passed in **Constable Rajesh Kumar's case (supra)** and also the elevation of the petitioner from SPO to the post of Constable.

Having heard learned counsel for the parties and considering their submissions, the present petition is disposed of with a direction to respondent No. 2 to consider the case of the petitioner in view of the ratio of judgment passed in **Constable Rajesh Kumar's case (supra)** and take necessary action in accordance with law, within a period of two months from the date of receipt of certified copy of the order.

In case, the petitioner is found to be entitled for the said relief and his case is covered by judgment of **Constable Rajesh Kumar's case (supra)**, the necessary benefits be granted to him within a period of two months thereafter. In case, the petitioner is not found to be entitled, then speaking order be passed and petitioner is at liberty to avail appropriate remedy available to him under the law.

December 16, 2016
poonam

(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned

Yes

Whether reportable

Yes