

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.24649 of 2016

Date of Decision: 01.12.2016

Surjit Kumar

... Petitioner

Versus

State of Punjab and others

... Respondents

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

Present: Mr. Karan Chaudhary, Advocate,
for the petitioner.

RAJIV NARAIN RAINA, J.(Oral)

1. The petitioner stakes his claim for appointment as a Constable as a special case on account of his father Karam Chand posted as DSP (Rural Pathankot)) being a member of the police party that faced an encounter in April 2010 which took place between the Punjab Police and terrorists from across the border in the area of Village Rattarwan within the jurisdiction of Narot Jaimal Singh. Two Pakistani militants were gunned down by the Police party and a large quantity of weapons and explosives were recovered from the place of occurrence. The encounter is narrated in FIR No.25 dated 25.04.2010 registered under Sections 302, 307 IPC etc. and the provisions in the Arms Act and the Explosive Substances Act, 1908 including violations of the Indian Passport Act.

2. Indisputably, a recommendation has been made by the Senior Superintendent of Police, Pathankot to enlist the petitioner as a Constable in the Punjab Police as a special case vide letter dated August 29, 2011 addressed to the Deputy Inspector General of Police, Boarder Range,

Amritsar.

3. The DIG has forwarded the recommendation to the DGP, Punjab, Chandigarh but no final decision has been taken as a matter is stated to be resting with the Deputy Chief Minister, Punjab. Since a positive recommendation has been made and is in the pipeline it is reasonable to expect that the petitioner deserves timely consideration for a final decision by the authorities.

4. In view of this position, and without expressing any opinion the respondents are directed to take a final decision on the request of the petitioner for enlistment as a Constable as a special case particularly in the light of the fact that persons similarly situated, as asserted in the petition, have already been enlisted as Constables in the Punjab Police vide orders annexed as P-10 to P-16 from which reference points parity of treatment is claimed.

5 As a result this petition is disposed of with a direction to the respondent authorities to consider the case of the petitioner within two months from the date of receipt of certified copy of this order.

6. With these observations and directions, the petition stands disposed of.

(RAJIV NARAIN RAINA)
JUDGE

01.12.2016
manju

Whether speaking/reasoned Yes

Whether reportable No