

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.25835 of 2016

Date of Decision:14.12.2016

Ex-constable Ram Niwas

...Petitioner

Vs.

State of Haryana & others

...Respondents

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

Present:- Mr. Sunil K. Nehra, Advocate
for the petitioner.

RAJIV NARAIN RAINA, J. (Oral)

The Haryana Police has issued an employment notice to recruit 50 Special Police Officers for District Yamunanagar. Para. 3 of the notice provides an opportunity to Ex-Servicemen and Constables who were removed from the Haryana Industrial Security Force to which they were recruited under a special Act. The Act was repealed by the successor Government ending in terminating the services of all those who were selected and appointed. The petitioner is neither an Ex-serviceman nor an ex constable of HISF. The petitioner was part of a selection involving recruitments of 1600 Constables in Haryana Police whose selection was set aside by the Division Bench of the High Court and the Special Leave Petition filed by the Constables failed ultimately before the Supreme Court. While petitioner was recruited amongst those 1600 Constables, and was serving he was discharged during probation by the authorities invoking Rule 12.21 of Punjab Police Rules as applicable to Haryana during probation for remaining absent from duty. The discharge was simpliciter. He called in question the discharge before the Civil Court but the action

failed and the appeal before the District Judge, Karnal was dismissed on January 16, 2001. That order has attained finality.

The petitioner prays in this petition that he should be given a chance under Para. 3 of the Notice by adding a provision therein by a court direction to accommodate his claim to participation in the selection process having once served as a constable in Haryana Police although discharged from service. The prayer is rather preposterous and beyond the terms of the employment notice, meaning thereby, he expects the zone should be enlarged to accommodate all ex-constables who were removed or discharged when 1600 Constables were removed from service and many have found their way back through special screening. If ex-constables from HISF have received special treatment he should be given the same right on principles of equality among ex-constables. This is misjudged assertion of equality of opportunity. It is not within the jurisdiction of this Court to alter the terms of the employment notice and re-modulate the same to accommodate the claim of the petitioner and therefore, I find no earthly reason to interfere in this matter and create a reserved quota when none exists in the scheme of the public advertisement.

Heard.

No merit. Dismissed.

(RAJIV NARAIN RAINA)
JUDGE

14.12.2016
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Whether speaking/reasoned

Yes

Whether reportable

No