

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

**Civil Writ Petition No.9195 of 2015
Date of Decision: 28.11.2016**

Angrej Singh

..... Petitioner

Versus

The State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Harsh Vardhan Shehrawat, Advocate for
Mr. C.S.Bakhshi, Advocate for the petitioner.

Mr. Harkesh Manuja, Additional Advocate General, Punjab
for the respondents/State assisted by Sh. Ravinder Singh, ASI,
Litigation Cell, O/o A.D.G.P., I.T. Wing, Punjab.

JASWANT SINGH, J. (Oral)

The petitioner had competed against 65 posts of Constables recruited under the Sports Quota in the Punjab Armed Police (P.A.P.), pursuant to the advertisement dated 29.07.2007 (**Annexure P-1**). One of the essential conditions of eligibility was the requirement of physical standards of height equal to 5' x 7" and chest being 33" x 34½" for Male Constables.

The petitioner along with 36 other Constables were recommended by the Recruitment Board, vide memo dated 17.01.2008, for appointment on Sports basis in view of their achievements in different disciplines of Sports after granting them relaxation in educational qualification, being overage, underage and deficient in the measurements of

height and chest and also having not passed the required Punjabi qualifications. The Director General of Police, Punjab, vide his communication dated 20.03.2008, granted relaxation against each of the recommended names including the petitioner in terms of height and chest, which concededly was deficient.

It appears that the petitioner including other such recommendees were enlisted as Constable on 20.02.2008 with the P.A.P., Jalandhar. The petitioner thereafter appears to have been assigned the Wireless Wing of the Punjab Police.

In the present petition, the petitioner has laid challenge to the speaking order dated 04.09.2012 (**Annexure P-3**), passed after Show Cause Notice, terminating his services.

Upon notice, a reply has been filed on behalf of the State. In the reply, it is stated that in the case of the same selection of Sports persons and grant of relaxation by the common memo dated 20.03.2008 of the DGP, this Court, on examination of Rule 12.15 of the Punjab Police Rules, 1934 and the relevant record, recorded a categorical finding that the general relaxation granted by the DGP was beyond the scope of the power under Rule 12.15 and thus illegal. Therefore, all the beneficiaries of such relaxation were required to be terminated from the services.

After hearing learned Counsel for the parties at length, this Court finds that a Coordinate Bench seized of the validity of the selection based on the aforesaid relaxation, vide decision dated 02.02.2010 passed in CWP No.2564 of 2008 (**Annexure P-2**), on examination of complete records and the scope of Rule 12.15 and the settled law on relaxation, has

held as under:-

“ Thus, it is settled preposition that the relaxation is permissible but it has to be within the precincts of the law. A specific rule is in existence governing the relaxation. The relaxation has to be in accordance with the mandate of the rule which inter alia provides for recording of reasons. No reasons have been recorded. Recording of reasons is the soul of the validity of action as it tends to demonstrate the necessity of relaxation in particular case or in general, if, so required. Granting relaxation without any valid reason with the sole object of conferring benefit to few at the cost of those who are otherwise eligible is impermissible under law.

From the record it appears that a number of candidates have been granted relaxation de-hors the rules but all such beneficiaries are not parties before this court. While the case of respondents no.4 and 5 will be dealt with in accordance with the directions herein above, all such beneficiaries of relaxation will be also dealt with in the light of the observations made herein this judgment. The competent authority will issue notice to all such candidates, who are beneficiaries of illegal relaxation and after providing them opportunity of being heard, they shall be dealt with in the same manner as respondents no.4 and 5.

In view of the above circumstances, the selection of respondents No.4 and 5 is not sustainable in law and is liable to be quashed. I order accordingly, this petition is allowed. The respondents will consider the next meritorious candidate on the order of merit to be appointed against the resultant vacancies on account of quashment of selection of respondents No.4 and 5 and pass the appropriate order within a period of two months. ”

(emphasis supplied)

From the above, it is apparent that all the 37 candidates (including the petitioner) appointed as Constables in the Sports Quota were granted relaxation *de hors* the scope of Rule 12.15, and thus their appointment were illegal. Learned Single Judge has, concededly, found that there were no reasons, whatsoever recorded while granting a general relaxation vide memo dated 20.03.2008. It is also not in dispute that all the

37 enlisted Constables, who were granted relaxation have since been terminated from their services. Another aspect, which is strange and unexplained, is that the petitioner and other aforesaid Constables were enlisted in February, 2008 i.e. much prior to the relaxation granted vide memo dated 20.03.2008 passed by the D.G.P., Punjab.

The facts taken cumulatively, no case for interference is made out in the light of the reasoning recorded by learned Single Judge of this Court in the judgment dated 02.02.2010 at **Annexure P-2**.

In view of the above, the present writ petition stands dismissed.

November 28, 2016

Gagan

(JASWANT SINGH)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No