

**CM-2592-LPA-2016 in/and
LPA-543-2016 (O&M)**

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

**1. CM-2592-LPA-2016 and
CM-1168-LPA-2016 in/and
LPA-543-2016 (O&M)**

Rakesh Kumar

.....Appellant

Versus

State of Punjab and others

.....Respondents

**2. CM-2595-LPA-2016,
CM-1169-70-LPA-2016 in/and
LPA-544-2016 (O&M)**

Jatinder Kumar

.....Appellant

Versus

State of Punjab and others

.....Respondents

**3. CM-1254-LPA-2016
LPA-594-2016 (O&M)
Date of Decision: August 01, 2016**

Rajdeep Singh

.....Appellant

Versus

The State of Punjab and others

.....Respondents

**CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR. JUSTICE SUDIP AHLUWALIA**

Present: Mr.S.K.Chawla, Advocate
for the appellants.

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SURYA KANT, J.

CM-2592-LPA-2016

Application is allowed. Annexure A-1 is taken on record subject to all just exceptions.

CM-2595-1169-LPA-2016

Both the applications are allowed subject to all just exceptions.

Main appeals

These three Letters Patent Appeals are directed against order dated 16.11.2015 whereby learned Single Judge has declined to interfere in the selection of Constables in District Police, Faridkot. The only issue that finally came up for consideration before learned Single Judge was whether, in a case where two candidates are equivalent in merit, the younger can be given preference over the older candidate? That issue has been answered in favour of the persons younger in age on the strength of an earlier judgment dated 22.05.2013 rendered by this Court in CWP-1889-2012 (**Savitoj Singh vs State of Punjab and others**), which is stated to have attained finality. The other fact which dissuaded the learned Single Judge from granting any relief to the appellants was that they sought benefit of reservation for backward class category but the certificate(s) to this effect was submitted by them after expiry of six months period from the last date of submitting applications. Due to that reason, their candidature was considered in general category only. No fault, therefore, can be found with the procedure adopted

by the selection authority.

Learned counsel for the appellants has now placed on record the latest standing order No.1 of 2016 issued by the Punjab Police for recruitment of Constables which provides that in the event of candidates having equal marks, the candidate older in age should be put higher in the merit. Firstly, the afore-stated order was not the subject matter of consideration before the learned Single Judge. Secondly, the order is administrative in nature and is essentially prospective. It shall apply to the selections to be held hitherto. The appellants may be entitled to seek their placement in the final merit list in future selections as per the afore-stated order.

For the reasons stated above, no interference with the order under appeals is called for.

Dismissed.

Since the main appeals are decided on merit, there is no need to pass separate order on the application(s) for condonation of delay in filing the appeals.

**(SURYA KANT)
JUDGE**

August 01, 2016
meenu

**(SUDIP AHLUWALIA)
JUDGE**

Whether speaking/reasoned
Whether Reportable

: Yes/No
: Yes/No