

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CWP No.20922 of 2011

Date of decision: August 30, 2017

Jagdish Raj

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Sandeep Arora, Advocate for the petitioner.

Mr. Vikas Mohan Gupta, Addl. Advocate General, Punjab.

Mr. Gaurav Dhir, Amicus Curiae.

Rajan Gupta, J.(oral)

Petitioner has approached this court with the prayer that he be appointed to a Class-IV post in the police department in recognition of his services rendered to the State when he informed the police regarding the installations by militants at the time of Dina Nagar incident on 24.04.2010, which led to their interception and consequent action. The case came up for hearing on July 25, 2017, when following order was passed:-

“On 24th October, 2010, petitioner noticed two Pakistani militants moving in village Mirzapur, Tehsil Pathankot, District Gurdaspur, area in suspicious circumstances. Petitioner informed the police which came into action. A fierce encounter ensued. Both militants were killed and huge quantity of arms and ammunition was seized. Admittedly, had information not been supplied by the petitioner, militants could not have been engaged. Possibility that they would have caused more damage to the State establishments and sensitive installations cannot be ruled out.

Senior Superintendent of Police, Gurdaspur also recommended that petitioner be considered for appointment as Class

IV employee as a special case. Deputy Commissioner sent a communication in the same terms to the State Government. This court, issued a notice to the State on November 25, 2011. Despite lapse of 06 years, State has been dilly dallying the issue. Its stand is that there is no provision in the rules for accepting the proposal sent by the Senior Superintendent of Police or Deputy Commissioner.

A query has been put to State counsel whether any other person has been offered appointment of Class-III/Class IV category in the absence of any specific Rule in last ten years, he prays for some time to seek instructions from respondent No.2.

10 days' time is granted.

To come up on 10.08.2017.

Mr. Gaurav Dheer, Advocate, is appointed as amicus curiae to assist the court.”

Today the case has been taken up for hearing. At the outset, State counsel submits that the petitioner has been appointed as a Class IV employee in the police department in District Batala. This statement is not controverted by counsel appearing for the petitioner. He seeks to place on record affidavit of the petitioner. This prayer is accepted. Affidavit is taken on record.

Learned Amicus Curiae submits that in view of above, present petition has been rendered infructuous. As no cause of action survives, no further direction is necessary. The petition is dismissed as having been rendered infructuous. This order shall not be treated as a precedent.

(RAJAN GUPTA)
JUDGE

August 30, 2017
'Rajpal'

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No