

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Letters Patent Appeal No.893 of 2017 (O&M)
Date of Decision: May 30, 2017

State of Punjab and othersAppellants

versus

Nirmal SinghRespondent

**CORAM: HON'BLE MR.JUSTICE SURYA KANT.
HON'BLE MR.JUSTICE HARI PAL VERMA.**

Present: Mr.Rajesh Bhardwaj, Additional AG, Punjab, for the appellants.
Mr.Veneet Sharma, Advocate, for the respondent.

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Surya Kant, J. (Oral)

This letters patent appeal is directed against the order dated 17.11.2016 whereby learned Single Judge has directed the appellant-authorities to re-consider the respondent's claim for appointment as Constable in Punjab Police.

[2] The respondent was admittedly selected and he was found medically fit for appointment to the post of Constable but the same was withheld on the ground that while he was minor, FIR No.36 of 2007 was registered at Police Station Sadar Tarn Taran against him and his family members under Sections 457, 380, 420 and 341 IPC. Admittedly in that case the respondent was not found involved and the police authorities filed cancellation report. The respondent was discharged by the Additional Chief Judicial Magistrate, Tarn-Taran on 18.10.2012 and taking notice of this fact, learned Single Judge has directed to re-consider his claim for appointment as Constable.

[3] The respondent is on caveat.

[4] Heard learned counsel for the parties.

[5] At the outset, learned counsel for the respondent-caveator states that the directions issued by learned Single Judge have since been complied with and the respondent has joined as Constable on 27.05.2017.

[6] Faced with this, learned State counsel submits that the respondent is guilty of concealing the vital information regarding registration of FIR against him at the time of his appointment as Constable on 10.03.2010. He makes a reference to the application form of the respondent (A-1/T).

[7] It is true that the respondent apparently concealed the factum of registration of FIR against him but having regard to the subsequent events, namely, findings of the investigation officer that he was wrongly named and was not involved in the alleged offence and the fact that such police report stands accepted by the Court of competent jurisdiction coupled with the fact that the appellants themselves have implemented the order of the learned Single Judge, we are not inclined to interfere with the same.

Dismissed.

[SURYA KANT]
JUDGE

May 30, 2017
mohinder

[HARI PAL VERMA]
JUDGE

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

CM Nos.1903, 1904 & 1905 of 2017 in
LPA No.893 of 2017

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State of Punjab and others versus Nirmal Singh

Present : Mr.Rajesh Bhardwaj, Additional AG, Punjab,
for the applicant-appellants.
Mr.Veneet Sharma, Advocate,
for the respondent.

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CM No.1903 of 2017

Having heard learned counsel for the parties and for the reasons mentioned in the application, the same is allowed subject to all just exceptions and 140 days' delay in filing the appeal is condoned.

CM stands disposed of.

CM No.1904 of 2017

For the reasons mentioned in the application, the same is allowed subject to all just exceptions and the document (A-1/T) is taken on record.

CM stands disposed of.

CM No.1905 of 2017

In view of the order of even date passed in the main appeal, the instant applications have become infructuous.

Dismissed as infructuous.

(SURYA KANT)
JUDGE

May 30, 2017
mohinder

(HARI PAL VERMA)
JUDGE