

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

**(I) CWP-11606-2015
Date of decision-16.01.2018**

Amandeep Singh

...Petitioner

Vs.

State of Punjab and others

...Respondents

**(II) CWP-16944-2015
Date of decision-16.01.2018**

Ramandeep Singh and others

...Petitioners

Vs.

State of Punjab and others

...Respondents

**(III) CWP-12561-2016
Date of decision-16.01.2018**

Kawaljit Singh

...Petitioner

Vs.

State of Punjab and others

...Respondents

**(IV) CWP-12562-2016
Date of decision-16.01.2018**

Kawaljit Singh

...Petitioner

Vs.

State of Punjab and others

...Respondents

**(V) CWP-11648-2015
Date of decision-16.01.2018**

Karanveer Singh

...Petitioner

Vs.

State of Punjab and others

...Respondents

(VI) CWP-11154-2015
Date of decision-16.01.2018

Balwinder Singh and another ...Petitioners

Vs.

State of Punjab and others ...Respondents

(VII) CWP-20782-2015
Date of decision-16.01.2018

Harcharan Singh ...Petitioner

Vs.

State of Punjab and others ...Respondents

(VIII) CWP-27568-2015
Date of decision-16.01.2018

Jashandeep Singh ...Petitioner

Vs.

State of Punjab and others ...Respondents

CORAM:- HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. A.S.Cheema, Advocate for the petitioner(s)
in CWP Nos.11606, 11648, 11154, 20782 and 27568 of 2015.

Mr. J.S. Maudgill, Advocate for the petitioner(s)
in CWP No.16944 of 2015.

Mr. Sapan Dhir, Advocate for the petitioner(s)
in CWP Nos.12561 and 12562 of 2016.

Mr. Navdeep Chhabra, DAG, Punjab.

JITENDRA CHAUHAN, J. (Oral)

This batch of eight writ petitions under Articles 226/227 of the
Constitution of India is being decided by this common judgment as the issue

involved in all the petitions being same. The petitioners seek issuance of a writ in the nature of Mandamus directing the respondents to consider them for post of Constable advertised on 29.09.2011 (Annexure P-2) under the “2 % quota meant for the wards of Police Personnel” in District Mansa.

The petitioners participated in the recruitment process for the post of Constable in pursuance of advertisement dated 29.09.2011 (Annexure P-2) under the 2% quota reserved for the wards of the police personnel. It is the case of the petitioners that they meet all the parameters laid down for selection to the post in question including the physical test. However, the petitioners have not been selected in view of item No.2 of the corrigendum whereby, the relaxation/benefit allowed to the wards of police personnel was withdrawn. The advertisement carries a specific and categorical mention that it affords 2% reservation to the wards of the police officials who died in harness, whereas, the corrigendum is not clear that the reservation extended has been withdrawn. It is further asserted that one Lakhvir Singh, who participated in the recruitment process along with the petitioners, has been given appointment in District Ferozepur. The precise prayer of the petitioners, at this stage, is that their cases be also considered in the same manner.

At this stage, learned State counsel submits that the benefit of 2% reservation cannot be extended to the petitioners as there was a stay order passed by this Court and the reservation clause appearing in the advertisement had been withdrawn through the publication of corrigendum. None of the candidates was considered against the reservation in question.

I have heard learned counsel for the parties and perused the case file.

From the perusal of Annexure P-5 in CWP-12561-2016, it is emerging that one Lakhvir Singh was given appointment on 28.05.2015, on the basis of the advertisement in question. Learned counsel for the petitioner(s) undertake to forgo the salary and all other monetary benefits for the period they have not worked, in case, the appointment is given to them.

In the circumstances, the instant writ petitions are disposed of with a direction to the respondents to examine as to whether the case of the petitioners is at par with said Lakhvir Singh. If upon examination, the competent authority comes to the conclusion that the petitioners are at par with Lakhvir Singh, the consequential relief be accorded to them within eight weeks from the date of receipt of a certified copy of this judgment subject to the following conditions:-

1. All other candidates who applied for the post of Constable in 2% quota of wards of police personnel in the year 2011 will be considered subject to the conditions that they fall within requisite merit list of their respective district.
2. The appointment letter would be issued from fresh date after their fulfilling the conditions of medical fitness, scrutiny of documents, character verification, etc.
3. They will be entitled for notional benefits for the purposes of seniority and no monetary benefits would be granted to them w.e.f. 2011, as per the principle of 'No work no pay'. Their pay and other service conditions would be as applicable on the date of their appointment.

In case, it is found that said Lakhvir Singh had been appointed in violation of the policy, the respondents shall take necessary action against him.

Disposed of.

(JITENDRA CHAUHAN)
JUDGE

16.01.2018
atulsethi

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