

102

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-18628-2016

Date of decision-17.01.2018

Balkar Singh and another

...Petitioners

Vs.

State of Punjab and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. S.L. Chander Shekhar, Advocate for the petitioners.

JITENDRA CHAUHAN, J. (Oral)

This writ petition under Articles 226/227 of the Constitution of India has been filed for issuance of a writ in the nature of mandamus for directing the respondents to take back the petitioner on duty after reinstating them as SPO/Constable in the office of respondent No.5 with full back wages.

It is the case of the petitioners that they were recruited as SPOs/Constable, respectively and continued to work as such without any contract till 1988. During the period of insurgency in the State of Punjab, the terrorists attacked the village of the petitioners and father of petitioner No.1 was killed by them as is evident from Annexure P-1, a copy of FIR No.154 dated 25.11.1988 registered in this regard. They were also in search of the petitioners with an intention to kill them. Therefore, petitioners left the job and remained underground due to fear of the terrorists. Now after the normalcy has returned in the State of Punjab, petitioner No.1 moved a

representation dated 16.04.2015 (Annexure P-2) before respondent No.2 for reinstating him in service but no action has been taken thereon till date. Further it is the case of the petitioners that respondents have been issuing instructions regarding revised policy for taking SPOs in service and further enlisting them as Constables who earlier left the job of SPO/Constable during the period of insurgency.

I have heard learned counsel for the petitioner and have gone through the case file.

It is a matter on record that petitioners never joined their duties after 26.11.1988 and after a gap of more than two decades they have moved the representation requesting the respondents to take them back in service. However, apart from the bald assertions, learned counsel has not been able to satisfactorily explain the inordinate delay of about 27 years of absence from duty. Further, learned counsel has not placed on record any instructions issued by the Government which would advance his case.

Consequently, present writ petition stands dismissed.

(JITENDRA CHAUHAN)
JUDGE

17.01.2018

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