

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

CWP-27057-2013 (O&M)

Date of decision: 21.2.2018

Bikram Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr.GPS Bal, Advocate for the petitioner

Ms.Sudeepti Sharma, Addl.AG, Punjab

JITENDRA CHAUHAN, J.

By way of the present writ petition under Articles 226/227 of the Constitution of India, the petitioner has prayed for issuance of direction to the respondents to issue appointment letter to him as Constable with the Punjab Police in pursuance of order dated 1.7.2003 (Annexure P-1) issued by respondent No.2- Director General of Police, Punjab.

The petitioner has educational qualification of 10+2 and as a special case, he was enlisted as constable with the Punjab Police by respondent No.2 in the year 2003 (Annexure P-1). His verification was also ordered by the Department and thereafter, his medical examination was got conducted on 25.7.2007 (Annexure P-2). Despite the entire process of enlistment of the petitioner as Constable in Punjab Police after orders of Director General of Police, Punjab (respondent No.2) was duly completed in all respects, appointment letter was not issued to the petitioner.

It is contended by learned counsel for the petitioner that in pursuance of order dated 1.7.2003 (Annexure P-1) passed by respondent No.2 for enlistment of the petitioner as special case to appoint him as Constable in Punjab Police, all the formalities regarding verification and medical examination had been completed. Moreover, similarly situated persons namely Sarabjit Singh, Surender Kumar, Devender Kumar, Navjot Singh and Harpreet Singh were recruited on 10.9.2009 in pursuance to State Government Letter dated 1.12.2006 in the category of special recruitment quota for respondent No.2. However, the case of the petitioner was kept pending by in the office of Deputy Superintendent of Police, Taran Tarn by ASI Barjinder Singh, who has been held liable for delay vide Annexure P17 dated 2.8.2013.

On the other hand, the learned State counsel contends that the claim of the petitioner is barred as already a period of more than 15 years has elapsed in between. It is further contended that the similar claim raised by the persons in CWP No.8747-2005 has been rejected by a Division Bench of this Court vide judgment dated 5.5.2006.

Heard.

The petitioner being eligible for the post of Constable, his case was approved by respondent No.2 under the category of special recruitment quota in the year 2003. All the formalities of recruitment were completed. However, the petitioner was not issued appointment letter on the premise that respondent No.2, the DGP had withdrawn orders with regard to approval for enlistment as special cases vide order dated 28.9.2004

(Annexure R-3). It is to be noticed that the recruitment had been initiated in the year 2003 and the file of the petitioner was kept pending by ASI Barjinder Singh, who was subsequently held liable for the same. For the delay caused by the the respondent-Department, the petitioner cannot be put to disadvantageous position. Not only that, the stand of the State that the direct recruitment was banned is also falsified from the fact that after the disposal of CWP 8747 of 2005, the respondent- Department has appointed Baldeep Singh, Navdeep Singh and others as constables against special category.

In view of above, the present writ petition is allowed and the respondents are directed to appoint the petitioner as Constable with consequential benefits of continuity of service, seniority etc. notionally, in the same terms as aforesaid Baldeep Singh and Navdeep Singh have been allowed. The respondents are further directed to initiate appropriate proceedings as per law against ASI Barjinder Singh No.254/BR, the then Sena Clerk for not obtaining necessary orders from the then Superintendent of Police as noticed in the report of Sh. Jaswant Singh (DSP(D), Taran Tarn dated 02.08.2013 (Annexure P-17).

21.2.2018
gsv

(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No