

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.

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CWP No.18981 of 2018 (O & M)
Date of Decision: August 02, 2018

Darshan Singh

.....PETITIONER(s).

VERSUS

State of Punjab and others

....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Gurinder S. Lalli, Advocate
for the petitioner.

JASWANT SINGH, J. (ORAL)

The petitioner is stated to have been engaged as SPO along with 39 other candidates on 09.12.1991 on daily wage basis and consolidated wages by the SSP, District Sangrur. Petitioner along with other 177 similarly situated SPOs-contingent Class IV employees were enrolled to the post of Cooks vide order dated 10.11.2009 (Annexure P-4), while others were enrolled as Dhobi, Water Carrier, Barber, Sweeper, Tailor, Mochi and Carpenter.

The grievance made by the petitioner in the present case is that his juniors i.e. SPOs recruited after him have been enrolled as Constables.

Learned counsel for the petitioner submits that the petitioner is also entitled to be enrolled as a Constable with effect from the dates his juniors have been enrolled as Constables as per Annexure P-5.

After hearing learned counsel for the petitioner, this Court finds that the petition is devoid of any merit.

First of all, the petitioner was working as SPO and upon restricting the source of recruitment from amongst SPO's subject to their suitability for various posts like Constables, Cooks, Dhobi, Water Carrier, Barber, Sweeper, Tailor, Mochi and Carpenter were brought on regular basis on the Rolls of Punjab Police. The petitioner along with others keeping in view his suitability was appointed to the post of Cook way back in the year 2009. Now after a delay of almost 9 years, when even a civil suit would be barred by limitation, the petitioner cannot raise a grievance that he was not recruited as Constable, moreso no material has been placed on record to show that he was actually eligible and suitable for discharging the post of Constable. It has to be assumed and accepted that depending upon the suitability of the petitioner, he was appointed as cook, which he accepted and, therefore, is estopped by his own conduct. The plea regarding the alleged juniors is not supported substantially by any documents. Therefore, the pleadings are vague to that extent.

In view of the above, finding no merit in the present writ petition, the same is hereby dismissed.

August 02, 2018
A.Kaundal

(JASWANT SINGH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No