

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

CWP 22655/2018

Date of decision:11.12.2018

Ramesh Kumar and others

.....Petitioners

v.

State of Punjab and others

.....Respondents

Coram: Hon'ble Mr.Justice Jaswant Singh

Present:- Mr. HPS Rahi,Advocate for
 Mr.Baljeet Singh Sidhu,Advocate for the petitioners

Jaswant Singh,J,(Oral).

40 petitioners herein were engaged as SPOs by the Punjab Police from different dates during the period from 1989 to 1996. Subsequently on fulfilling the suitability criteria they were enlisted/recruited on regular basis as Constables in Punjab Police from 1999 onwards.

The claim raised in the present petition is for grant of seniority with effect from the dates of their engagement as SPOs. Reliance is being placed on many orders passed whereby certain similarly situated SPOs have been extended that relief.

After hearing counsel for the petitioners, no case for invoking writ jurisdiction is made out.

The period of engagement of petitioners on daily wage basis as SPOs, as per settled law in **Harbans Lal v The State of Punjab and others, 2012(3) SCT 362**, can only be counted towards qualifying period for grant of pension. The petitioners were enlisted as Constables on regular

basis with effect from different dates after their selection based on fulfilling the suitability criteria through a recruitment process restricted to SPOs as a source. Thus,they became members of the Punjab Police service with effect from the date of their regular appointment and the previous period of engagement on daily wage basis, as per settled legal principles of service jurisprudence, cannot count towards seniority. The orders produced at the time of hearing only reflect that while appointing certain SPOs as Constables in the same batch their *inter se* placement was made on the basis of their initial engagement as SPOs and nothing more. That apart, now after eight years the settled seniorities cannot be unsettled.

Dismissed.

11.12.2018.
joshi

(Jaswant Singh)
Judge

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No