

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

CWP No. 5825 of 2014 (O&M)

Date of decision: 09.01.2018

Vikram Singh

...Petitioner(s)

Versus

State of Punjab and others

...Respondent(s)

CWP-1951 of 2014 (O&M)

Date of decision: 09.01.2018

Varinder Singh

...Petitioner(s)

Versus

State of Punjab and others

...Respondent(s)

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. R.V.S. Chugh, Advocate for the petitioner(s).

Ms. Sudeepti Sharma, Addl. A.G., Punjab
for the State.

Jitendra Chauhan, J. (Oral)

The aforementioned writ petitions are being decided by way of this common order, as the identical issues have been involved in the matter. However, the fact is being derived from CWP-5825-2014 to avoid the repetition.

By way of the instant writ petitions, under Articles 226/227 of the Constitution of India, the petitioner(s) seek issuance

of directions to the respondents for joining the petitioner(s) as Constables in the police.

It is contended that in the year 2011, the State of Punjab issued one public notice for filling up the posts of Constables in Punjab Police. Petitioner(s) Vikram Singh and Varinder Singh applied for the said post in the category of scheduled caste in District Ferozepur and District Tarn Taran respectively and succeeded in the written test and thereafter were called for an interview. After the process of interview, the merit list was drawn and petitioner Vikram Singh was shown in the waiting list of SC category at Sr. No.1 in District Ferozepur, whereas, the name of petitioner Varinder Singh was mentioned in the waiting list of SC category at Sr. No.2. Many of the candidates who were named in the merit list in different categories did not join the post. The petitioner(s) approached respondent No.4 by way of representation for consideration of their names being at the top in waiting list but no decision was taken and if taken was not conveyed to the petitioner(s). It is further asserted that some similarly situated persons from District Amritsar who were named in the waiting list, approached this Court by way of filing CWP-18776 of 2013 and CWP-26613-2013 and during the pendency of those writ petitions, the authorities appointed the petitioners therein on the posts of Constables lying vacant in other districts. Learned counsel argued that some of the candidates who

were selected in the merit list, did not join, therefore, the petitioner (s) ought to have been offered appointment.

On the other hand, the learned State counsel submits that the advertisement was published in the year 2011. The selection process also completed in the same year. Learned State counsel refers the instructions issued by the office of Director General of Police, Punjab, vide No.14081/E-1(4) dated 08.11.2013 to contend that the maximum time limit for joining of the candidates in waiting list is six months which has already been lapsed. Petitioner Vikram Singh applied in District Ferozepur and petitioner Varinder Singh applied in District Tarn Taran, where all the candidates have joined and at present, there is no vacant post. The petitioner(s) have approached the authorities after a lapse of six months, therefore, the present petitions deserve to be dismissed.

I have heard the rival contentions of learned counsel for both the parties and have gone through the record carefully.

A bare perusal of the record would reveal that an advertisement for filling up the posts of Constables in different districts of State of Punjab was published in the year 2011. In response to the publication, the petitioner(s) applied for the said post in the reserved category (SC) and cleared the written and physical test. Thereafter, the petitioner(s) were called for interview and on the basis of marks, the merit list was prepared, whereby petitioner

Vikram Singh was kept in the waiting list at Sr. No.1 of District Ferozepur and that of petitioner Varinder Singh was kept at Sr. No.2 of District Tarn Taran. Admittedly, the posts were published district-wise under the chairmanship of concerned Senior Superintendent of Police of different Districts. Further, as per the additional affidavit of Superintendent of Police (H) Ferozepur dated 08.03.2017, it emerges that the candidates of District Amritsar, who were in the waiting list, were recruited as Constables and were transferred to SBS Nagar on the approval of DGP, vide letter No.1627/E-1(4) dated 30.01.2013, because there was no vacant post in District Amritsar at that time. The petitioner had already approached the authorities concerned for redressal of his grievance. The case of the petitioner(s) is at par with the candidates who were in the waiting list of District Amritsar, therefore, they cannot be deprived of the relief sought.

In view of the above facts and circumstances of the case, the present petitions are allowed. The respondent-State is directed to appoint petitioners Vikram Singh and Varinder Singh on the post of Constable in any district of the State of Punjab and their seniority be fixed as per law. Needful be done within a period of three months from the date of receipt of a certified copy of this order.

09.01.2018

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(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :

Yes

No

Whether Reportable :

Yes

No