

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

**CWP-4891-2002 (O&M)
Date of decision-17.08.2019**

State of Punjab and others

...Petitioners

Vs.

Paramjit Singh and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Ms. Gunkirat Kaur, A.A.G., Punjab
for the petitioner(s) assisted by ASI Balkar Singh,
Civil Suit Clerk, SSP Office, Bathinda.

None for the respondents despite service.

JITENDRA CHAUHAN, J.

This writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of writ in the nature of certiorari for quashing the award dated 09.08.2001 (Annexure P-1) passed by learned Lok Adalat, High Court, Chandigarh in CWP-1093-1987, by respondent Nos.1 to 3 herein, whereby, the respondent-State has been directed to consider the claim of respondent Nos.1 to 3 for the post of Constable in Punjab Police.

It is contended that in the year 1985, an advertisement was issued for recruitment of Police Constables in three Districts i.e. Faridkot, Bathinda and Ferozepur. In response thereto, respondent Nos.1 and 2 applied against the Scheduled Caste category, whereas, respondent No.3 applied against the general category post. The said respondents, being eligible, were called for interview/physical test on different dates. It is

further submitted that these candidates were to be enrolled only after issuance of fitness certificate and verification of their character and antecedents by the local police and CID, Punjab. Reports in this regard were called from the concerned authorities to see the suitability of the candidates but no appointment orders were issued to them. The respondents were placed in the waiting list at Sr. No.48, 60 and 65, respectively. The DGP Punjab had earmarked 44 vacancies and all the 44 candidates had been enrolled as Constable in Ferozepur range.

Learned counsel for the petitioners contends that total 44 posts of Constables were advertised in the year 1985, wherein the respondents had also applied. All the advertised posts were offered to the selected candidates as per their seniority. The respondents who were in the waiting list at Sr. Nos.48, 60 and 65 could not figure in the final select list. The claim of the respondents is that being in the waiting list, they all should have been adjusted against the posts advertised in the subsequent advertisement dated 09.02.1987.

Heard learned counsel for the petitioners and perused the case file.

The instant petition was admitted by this Court vide order dated 21.08.2002. As per office report, service is complete. However, till date neither the respondents have caused representation nor any reply has been filed on their behalf.

There is no doubt with regard to the fact that private respondents were considered fit and eligible to be appointed to the posts in question and they were placed in the waiting list. However, the same does not confer any right of appointment to the private respondents particularly

for the vacancies which were advertised in a subsequent advertisement. It is to be noted that all the 44 vacancies advertised vide advertisement of 1985 were filled up and the respondents being at Sr. No.48, 60 and 65, respectively, were not offered appointments.

With the selection of 44 candidates against the available equal number of posts, the waiting list ceased to exist and the selection process stood culminated. The authorities were well within their rights to advertize the vacancies which may have accrued after publishing of advertisement of 1985 by way of fresh advertisement. The waiting list was prepared to accommodate a number of persons found medically unfit or in the event of their character/antecedents having been found not upto the mark. Therefore, the view taken by learned Lok Adalat that the petitioners who were in the waiting list be offered appointment letters, deserves to be set aside.

In view of the above, the instant petition is allowed and the impugned award (Annexure P-1) passed by learned Lok Adalat is hereby quashed.

17.08.2019*ps-I***(JITENDRA CHAUHAN)
JUDGE**

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