

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

129

CWP No.10613 of 2019

Date of decision: 16.07.2019

Sukhnaib Singh

.....Petitioner

Versus

State of Punjab and others

.....Respondent

CORAM : HON'BLE MR.JUSTICE ARUN MONGA.

Present: Mr. Rahul Prashar, Advocate,
for the petitioners.

Ms. Anu Chatrath, Senior Advocate with
Ms. Ambika Bedi, AAG, Punjab.

ARUN MONGA, J. (ORAL)

Perusal of the facts in the present case reflect that it is a harsh case where petitioner despite having been successful in his selection in 2011 to the post of Constable was not allowed to join owing to pendency of criminal proceedings in certain petty offences viz sections 323/447/148/149 of IPC in which he was later on acquitted by the Competent Court.

2 The appeal preferred by the State against the acquittal of the petitioner was also dismissed and during the pendency of the appeal even the complaint entered into a compromise with the petitioner, on the basis of said compromise FIR itself was also quashed vide judgment dated 10.12.2015 (Annexure P-6). However, at the time of filling up of his application form as Constable, due to non disclosure of the registration of the earlier FIR, another FIR was registered against the petitioner and after preliminary investigation, a closure report was filed and the second FIR

was also cancelled. In the aforesaid background, the petitioner approached the respondent vide application dated 13.12.2018 (Annexure P-7) to sympathetically consider his case but vide impugned order dated 14.2.2019 (Annexure P-8) his request has been rejected on the ground that the selection in which he was successful pertains to the year 2011 and the waiting list of the candidates were kept alive only upto 6 months after declaration of the result and thereafter the records have been consigned.

3 Learned State counsel appears on advance service of copy of the petition and opposes the issuance of notice.

4 Having heard learned counsel for the parties and having gone through the contents of the petition along with the annexures, I do not find any ground to interfere in the extraordinary jurisdiction of this Court as the impugned order has been passed in tune with the direction/instructions dated 02.11.2012 of the State. The said instructions in any case are not under challenge and accordingly the writ petition is dismissed.

5 However, I would like to observe that since this is a harsh case where the petitioner was not allowed to join owing to the pendency of criminal proceedings in certain petty offences, the respondent may sympathetically consider the case of the petitioner, if he is otherwise found fit.

(ARUN MONGA)
JUDGE

16.07.2019
jyoti-3

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| 1. | Whether reportable? | Yes / No |
| 2. | Whether reasoned / speaking? | Yes / No |