

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

**CWP NO. 34837 OF 2019
DATE OF DECISION : 04.12.2019**

Manjit Singh and others

...Petitioners

versus

State of Punjab and others

...Respondents

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. B. S. Sidhu, Advocate,
for the petitioners.

Mr. P. S. Bajwa, Addl. AG, Punjab.

ARUN MONGA, J.(ORAL)

1. Petitioners herein, *inter alia*, seek issuance of a writ in the nature of certiorari to quash an order dated 26.12.2018 (Annexure P-5), vide which the claim of the petitioners to count their service on the post of SPOs towards qualifying services for the purpose of seniority for the post of Constable, was rejected. Further directions have been sought to grant benefits of appointment as Constables along with all consequential benefits from the date of completion of six months service as SPOs as per standing Order/Government Instructions dated 30.10.1990 and 19.11.1991 Annexure P-1 and Annexure P-2, respectively.

2. Notice of motion.

3. On advance service of copy of petition, Mr. P. S.

Bajwa, Additional Advocate General, Punjab, appears and accepts

notice on behalf of the State.

4. Given the nature of order being passed, there is no necessity to seek return by the respondents as no further proceedings and/or pleadings are required.

5. In an earlier round of litigation by the petitioners, this Court without commenting on the merits of the case, had directed the competent authority to decide the representation of the petitioners by passing a speaking order. Pursuant thereto, the order dated 26.12.2018 (Annexure P-5) has been passed. However, learned counsel for the petitioner contends that this Court has dealt with a similar controversy in CWP No.16295 of 2012 wherein judgment dated 28.11.2018 has been rendered by this Court.

6. Learned counsel for the petitioner further submits that petitioners would be satisfied in case their case is re-considered in the light of ratio rendered by this Court in CWP No. 16295 of 2012.

7. In the premise, the writ petition is disposed of with a direction to the competent authority/respondents to consider the present writ petition as a representation and pass a fresh speaking order, in accordance with law, by keeping in view the judgment, *ibid*.

8. In case while passing fresh speaking order as aforesaid, the competent authority is of the view that the judgment, *ibid*, is not applicable to the case of petitioners,

specific reasons thereof shall be recorded in the speaking order.

9. Let the needful be done within a period of three months from the date of receipt of certified copy of this order.

10. Disposed of in above terms.

(ARUN MONGA)
JUDGE

DECEMBER 04, 2019
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| 1. | Whether speaking/reasoned : | Yes/No |
| 2. | Whether reportable : | Yes/No |