

CWP-21876-2020

Date of decision: 17.12.2020

Ex. Constable Hardeep Singh

.....Petitioner

versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH**Present:** Mr. Tarundeep Kumar Advocate
for the petitioner.**FATEH DEEP SINGH, J. (ORAL)**

Due to outbreak of pandemic COVID-19, the instant case is being taken up for hearing through video conferencing.

The petitioner has invoked the jurisdiction of this Court in terms of Articles 226/227 of the Constitution of India seeking prayer by way of writ of *mandamus* for issuance of directions to the respondents to issue appointment letter to petitioner in view of the direction issued in CWP No.16191 of 1997 (Annexure P-3).

Notice of motion to the respondents.

Mr. Shireesh Gupta, Senior DAG, Punjab puts in appearance and accepts notice on behalf of the respondents-State.

Copy supplied.

Heard.

Learned counsel for the petitioner *inter alia* contends that the petitioner had applied for the recruitment as Constable and was selected and placed at merit No.3237 and was allotted Constable No.2/429/IRB on 21.08.1994. Further the petitioner had completed the training period successfully and, thereafter, was enrolled as Constable. Counsel further submits that some of the candidates had also applied for the same post but could not be recruited and they filed CWP No.12860 of 1996 in the Hon'ble Court. The same petition was disposed off vide order dated 17.10.1996 by the Hon'ble Court and as per order, show cause notice was issued to the petitioner and others and thereafter, an order dated 30.07.1998 was passed by the Commandant 2nd Battalion IRB, Landa Kothi, Sangrur (Addressee No.3) whereby the services of the petitioner were dispensed with w.e.f. 30.07.1998. Further, there was another set of candidates who had filed a writ petition bearing CWP No.16191 of 1997 where by Hon'ble Court has also taken note of CWP No.12860 of 1996 and after considering the matter in detail, disposed off the petition with the directions to the respondents to consider the petitioners for appointment against 159 vacant posts against their respective categories, in case they are otherwise eligible and directed that the petitioners shall not be entitled for any financial benefits for the period during which the petition remained pending. Further, the respondents-Government of Punjab challenged the order passed in

CWP No.16191 of 1997 by filing LPA No.737 of 2017 and the same was dismissed vide detailed order dated 31.10.2018 by the Hon'ble Court and in view of the directions issued by the Hon'ble Court, the respondents have issued joining letters to the Constables who are similarly situated to the petitioner and were dismissed in the year 1997 and, thus, the petitioner is seeking present relief.

Upon hearing learned counsel of both the sides and on perusal of the records, the present petition stands disposed off with the directions to the official respondents to consider the legal notice dated 02.07.2020 (Annexure P-5) moved by the petitioner and decide the same in accordance with law, by passing a speaking order preferably within a period of one month from the date of receipt of the copy of this order.

The petition stands disposed off accordingly.

17.12.2020

Neha

**(FATEH DEEP SINGH)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No