

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

CWP-20314-2020

Date of Decision: 08.03.2021

Sunil Kumar

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Vineet Kumar Jakhar, Advocate,
For the petitioner.

Ms. Mamta Talwar, DAG, Haryana.
(Presence marked through video conference)

ARUN MONGA, J. (ORAL)

The petitioner, who is serving as Constable in Police Department is seeking permission to avail an opportunity to sit in the examination for his absorption in Executive Clerical Cadre. He relies on a Division Bench order of this Court dated 19.07.2012 passed in LPA No. 1007 of 2012.

2. Learned counsel for the petitioner contends that petitioner applied for absorption in the Executive Clerical Cadre. However, he failed to appear in the examination held for the purpose. Petitioner seeks a *mandamus* to direct the official respondents to conduct another examination for the petitioner stating that in an earlier round of litigation (LPA No.1007 of 2012) vide an order dated 19.07.2012 (Annexure P-8), this court has already directed the respondents to give him an opportunity to sit in the examination, in which he had earlier failed to appear.

3. In fact, the entire claim of the petitioner seems to be based on wrong interpretation on the aforesaid order passed by this Court, which reads as under:

“Suffice it would be to observe that in case the private respondents and/or any other police official have been allowed back door entry without passing the departmental test, the appellant may represent to the Competent Authority who shall consider the same in accordance with the approved policy.

We find no ground to interfere with the impugned order on this count.

Dismissed.”

4. A perusal of the above order shows that this Court had merely permitted the petitioner to submit a representation. Pursuant to above, petitioner did submit a representation. Vide an administrative order dated 28.12.2012 (Annexure P-10) he was given an opportunity to appear in the examination. Yet again, petitioner chose not to appear for the examination. Rather, he chose to file a fresh writ petition vide CWP No. 24951 of 2012 (Annexure P-13) before this Court. Which too did not find favour with this Court and was dismissed in the following terms:

“A perusal of the order Annexure R-1 shows that after fixing the date for special written test, the petitioner was informed and he did not appear for the test on the ground that he had filed the present writ petition. Once the petitioner has chosen not to appear in the written test, he cannot be absorbed in the Cadre. Moreover, his grievance was that the respondents were promoted as Executive Clerical Cadre (Accounts Branch) without clearing the written test. Since pursuant to the orders passed by the LPA Bench (Annexure P-9), the respondents have conducted the written test in which respondents appeared and cleared the test and the petitioner had chosen not to put in appearance, the writ petition is liable to be dismissed.”

5. Not to be let down, the petitioner further chose to file an intra Court appeal against the above single Bench order, which too was dismissed vide an order dated 04.04.2018 (Annexure P-14).

6. In the aforesaid premise, having lost on all fronts, the petitioner is yet again before this Court seeking relief on the same cause of action. Needless to mention here that petitioner, on his own volition, did not participate in the examination conducted by the respondents for absorption in Clerical Cadre, despite grant of repeated opportunity.

6. No grounds are made out to interfere.

7. Dismissed.

March 08, 2021
Vandana/ Jiten

(ARUN MONGA)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No