

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

204

CWP-31140-2018

Date of decision: 10.03.2021

Prem Chand

.....Petitioner

versus

State of Haryana and others

....Respondents

CORAM: Hon'ble Mr. Justice Girish Agnihotri

Present: Mr. Kamaldip Singh Sidhu, Advocate for the petitioner.

Ms. Palika Monga, DAG, Haryana.

GIRISH AGNIHOTRI, J. (Oral)

The matter has been taken up through video-conferencing on account of restrictions due to outbreak of pandemic COVID-19.

Petitioner-Prem Chand, stated to be aged 39 years, has filed the present petition *inter alia* with a prayer for issuance of writ in the nature of mandamus for directing the respondents-department allowing the petitioner to join at District Sirsa as SPO, as the similar circumstances and even one of the junior candidate (respondent No.4) to the petitioner shown at Sr. No.5 after the petitioner in the waiting list was allowed to join at District Sirsa, who resigned from the post of SPO from District Palwal.

Records of the case show that vide order dated 10.12.2018, notice of motion was issued. On 09.11.2020, the following order was passed by this Court:-

“Petitioner-Prem Chand, has filed the present petition

inter alia with a prayer for issuance of writ in the nature of mandamus for directing the respondent-department for allowing the petitioner to join at District Sirsa as SPO, as the similar circumstances and even one of the junior candidate (respondent No.4) to the petitioner shown at Sr. no.5 after the petitioner in waiting list was allowed to join at District Sirsa..

Learned counsel for the petitioner, based on the pleadings, in the petition, submits that vide Annexure P-2, after 2007, in pursuance to the advertisement issued to fill up 1500 posts of SPOs, the petitioner was appointed. It is then submitted that respondent No.3 i.e. The Superintendent of Police, Sirsa, vide office order dated 03.01.2017 (Annexure P-3), directed the SHO, P.S. Dabwali, Rania, to allow two candidates of the waiting list to apply for joining. The petitioner was stated to be at Sr. No.3 as per the pleadings in the petition.

Records of the case show that notice of motion was issued on 10.12.2018.

Written statement dated 18.05.2019, has been filed by SSP, Sirsa, on behalf of respondents No.1 to 3. It has been inter alia submitted in the reply that vide Police Haryana Office Order dated 11.07.2017 and 19.07.2017, District Sirsa was allotted 50 seats of SPOs amongst Ex-Constable of disbanded HSISF. It has been further submitted that a Committee headed by Additional SP, Sirsa, was constituted on 07.05.2018 to put status report about the enrollment process and candidates of waiting list for filling up the vacant seats of SPOs. It is also submitted that candidates mentioned at Sr. No.5, 8 & 12 of the waiting list appeared before the Committee. It is further submitted that report in this regard was submitted on 09.05.2018, however, after the said report, the petitioner on 10.05.2018 submitted an

application (Annexure P-4) to The SP, Sirsa, to consider his case.

Faced with the situation, learned counsel for the petitioner makes an oral request that in fact, during pendency of the writ petition, the petitioner has further suffered loss of death of his father and his mother is also an old lady suffering from various ailments. He further submits that there are three daughters whom he has to look after and he being the sole male member, deserves sympathetic consideration for being accommodated at Sirsa. He submits that under the above said circumstances, he had to join at Gurgaon, which is approximately 300 Kms from his home town i.e. Sirsa.

In view of the stand taken by the State that the Special Committee headed by Additional SP, Sirsa, has already considered the vacant post and has submitted report by 09.05.2018 (i.e. before the alleged date of representation, which is 10.05.2018, by the petitioner, annexed as Annexure P-2), it is deemed appropriate to direct the respondents to apprise the Court on the next date of hearing, if, firstly there are any vacancies at Sirsa and secondly, if on sympathetic grounds, another Committee is being constituted or can be constituted, so as to examine the issue of the petitioner and/or also such other similarly situated persons if any, so as to decide their claim on sympathetic grounds.

Let this short affidavit be filed one week prior to the date fixed.

Adjourned to 10.03.2021.”

A short affidavit dated 09.03.2021 of Shri Bhupender Singh, HPS, Superintendent of Police, Sirsa, has been shared through whatsapp in video conferencing group.

Learned counsel for the respondents is directed to place the said affidavit on record. In this affidavit, it has been inter alia stated that District Enrollment Board had already been constituted by the Director General of Police, Haryana, vide order dated 09.06.2016. Keeping in view the family circumstances, the Board has decided to enroll Prem chand (the petitioner herein) as SPO against the vacant seat of previous enrollment for the remaining period of previous enrollment. It has been further stated that the petitioner has been enrolled as SPO as provided under Section 21 of the Act against one vacant seat in the District on sympathetic grounds of his family problem. Copy of the order dated 03.03.2021 has also been appended with the affidavit.

Learned counsel for the petitioner prays that he may be permitted to join by the respondents.

Learned counsel for the State assures that in compliance of the affidavit, needful shall be done forthwith.

Learned counsel for the petitioner however submits that for such of the grievances which still remain undecided, he be given liberty to move a representation which may be considered and decided by the Competent Authority and in accordance with law within a reasonable period.

Ordered accordingly.

In view of the above, Writ Petition stands disposed of.

(GIRISH AGNIHOTRI)
JUDGE

10.03.2021
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Whether speaking/ reasoned:	Yes/No
Whether Reportable:	Yes/No