

Sukhwinder Singh

...Petitioner

Versus

State of Punjab and others

....Respondents

Coram : Hon'ble Mr. Justice B.S. Walia

Present : Mr. G.S. Bal, Sr. Advocate with Mr. Navdeep Singh, Advocate
and Mr. Sewa Singh, Advocate for the petitioner.

B.S. Walia, J. (Oral)

1. Prayer in the petition under Articles 226/227 of the Constitution of India, is for the issuance of a writ in the nature of Mandamus for directing the respondents to assign proper seniority and promotion as Head Constable to the petitioner w.e.f. 02.12.2015 the date his juniors in IRB stood promoted as such along with all consequential benefits.

2. Learned counsel contends that the petitioner joined IRB in the year 2006, thereafter, on the basis of advertisement, the petitioner applied for recruitment to the post of Constable in Distt. Police in the year 2010 and was issued NOC Annexure P-2 and thereafter, on the basis of interview / test etc. was selected and joined as Constable in Distt. Sangrur on 10.08.2010 though he was beyond 25 years of age. Subsequently, on a challenge by Constable Jagmit Singh of IRB against his non-selection in the Distt. Police on account of his being beyond the age of 25 years by citing the selection and appointment of the petitioner, the petitioner was reverted to the IRB. The order reverting the petitioner to the IRB was challenged by him by way of

CWP No.11378 of 2011 and the same was decided vide order dated 19.12.2015 by directing the respondents to consider the case of the petitioner sympathetically for retaining the petitioner in Distt. Police. However, the said claim of the petitioner was not accepted by the respondents and the petitioner was ordered to be reverted to IRB vide order dated 09.08.2017 which is under challenge in CWP No.17548 of 2017. Pursuant thereto, the petitioner joined IRB. Learned counsel further contends that during the tenure of the petitioner in the Distt. Police, the petitioner qualified Lower School Course and was promoted as Head Constable on 22.02.2016 and it was in the year 2017 that the petitioner was sent back to the IRB as a Constable. Learned counsel contends that juniors of the petitioner in the IRB have been promoted to the post of Head Constable while the petitioner is being made to work on the post of Constable despite his having qualified the Lower School Course etc.

3. Learned counsel contends that the petitioner has submitted representation Annexure P/17 dated 30.09.2021 to the respondents for being given post of Head Constable but no decision has been taken on the same till date and that in the circumstances, the petitioner would be satisfied if the writ petition is disposed of by directing respondent No.3 to consider and decide the representation Annexure P/17 submitted by the petitioner in a time bound manner.

3. Notice of motion to respondent No.3 only.

4. Mr. Kanisth Ganeriwala, AAG, Punjab, accepts notice on behalf of respondent No.3 and after perusal of the writ petition states that he has no objection to the limited prayer made by learned counsel for the

petitioner.

5. Accordingly, in view of the statement of learned counsel for the parties but without commenting upon the merits of the case, the writ petition is disposed of by directing respondent No.3 to consider and decide the representation, Annexure P/17 dated 30.09.2021 submitted by the petitioner in accordance with law after taking into account all aspects of the matter within two months from the date of receipt of certified copy of the order.

6. Petition disposed of with the aforementioned directions.

(B.S. Walia)
Judge

11.11.2021

ps

Whether speaking/ reasoned : Yes/No
Whether reportable : Yes/No