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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-4715-2021

Date of decision: 27.09.2022

PARMOD CHHIKARA AND ANOTHER

...Petitioners

VERSUS

STATE OF HARYANA AND OTHERS

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Mazlish Khan, Advocate
for the petitioners.

Mr. Vishal Malik, DAG, Haryana.

JAISHREE THAKUR, J. (Oral)

This is a petition that has been filed seeking a direction to the respondents to quash the impugned order dated 19.01.2021 (Annexure P-16) passed by respondent No.2, whereby, the claim of the petitioners for the post of Constables in Haryana Police has been wrongly and illegally rejected.

Learned counsel for the petitioners herein would contend that the petitioners secured 63.55 marks, however, were not offered appointment, which necessitated the filing of CWP No.17966 of 2020, which was disposed of on 29.10.2020, with a direction to the official respondents to consider and decide the representation dated 25.10.2020 of the petitioners.

Learned counsel for the petitioners would submit that the claim of the petitioners came to be rejected by the impugned order dated 19.01.2021 on the ground that the petitioners have secured lesser marks. Aggrieved against

the aforesaid impugned order, the instant writ petition has been filed.

At this stage, learned State counsel would place on record a communication dated 22.09.2020, which has been addressed by the Secretary, Haryana Staff Selection Commission, Panchkula to the Director General of Police, Haryana, in which the names of petitioner No.1 and petitioner No.2 find mentioned at serial Nos.67 and 54 respectively as persons, who have been approved for appointment to the post of Male Constable (General Duty).

Learned counsel for the petitioners would submit that though the names of the petitioners stand reflected in the said list dated 22.09.2020, however, vide impugned order dated 19.01.2021, respondents rejected their claim. It is submitted that the petitioners herein, whose names had been recommended as far back as in September, 2020, have lost out the appointment and the salary for all these months for no fault of theirs. It is further submitted that when they had filed the earlier writ petition, which stood disposed of by this Court on 29.10.2020, their names had already been recommended by the Haryana Staff Selection Commission for appointment.

Be that as it may, since the Haryana Staff Selection Commission had already recommended the names of the petitioners as far back as on 22.09.2020, the instant writ petition is disposed of and the respondents-State is hereby directed to issue necessary letter of appointment to the petitioners herein at the earliest, in case they fulfill all other eligible conditions.

While disposing of the instant writ petition, the claim of the petitioners for the past benefits is required to be considered in view of the fact that despite their names having been recommended as far back as on 22.09.2020 by the Haryana Staff Selection Commission itself, they rejected

their claim by the impugned order dated 19.01.2021 for reasons best known to the authorities concerned. Therefore, in case the petitioners move their representation for appointment date to be considered from the date when their contemporaries were offered appointment, the same shall be considered along with their claim for salary for the period that they were denied for no fault of theirs.

Let the entire process regarding considering the eligibility of the petitioners herein for past benefits, as indicated above, be completed expeditiously, preferably within a period of two months from the date of receipt of their representation.

27.09.2022
Chetan Thakur

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No