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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-12960-2020
Date of decision: 26.04.2022

DARSHAN SINGH

...Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr.J. S. Dhaliwal, Advocate
for the petitioner.

Ms. Ambika Bedi, AAG, Punjab.

JAISHREE THAKUR, J. (Oral)

This is a petition that has been filed under Articles 226/227 of the Constitution of India for issuance of a writ, order or direction in the nature of mandamus, directing the respondents to count the service rendered by the petitioner on the post of SPO as qualifying service for the purpose of pensionary/retiral benefits as the same benefits has been granted by this Court in view of Harbans Lal's case to the similarly situated persons vide order dated 15.02.2018 in CWP No.9936 of 2017 titled as Sukhjit Singh and Others versus State of Punjab and Others (Annexure P-6) and CWP No.7127 of 2019 decided on 01.04.2019 titles as Jarnail Singh and Others versus State of Punjab and Others (Annexure P-7).

Learned counsel for the petitioner herein would contend that the petitioner had been appointed as Special Police Officer-SPO under the Police Act, 1861 on 04.12.1994 and there was no break in his service.

Thereafter, as per the terms and condition, he was subsequently regularized as Constable on 20.04.2000. It is contended that in terms of the order dated 15.02.2018 in CWP No.9936 of 2017 titled as Sukhjit Singh and Others versus State of Punjab and Others, the petitioner would be entitled to have his service rendered as SPO counted as qualifying service for all intents and purpose. He submits that in this regard, a legal notice dated 26.02.2020 (Annexure P-12) has been given by the petitioner to the respondents, but till date no decision has been taken thereon.

Learned State counsel would submit that the respondents will look into the matter and will take a decision on the legal notice of the petitioner. Let sufficient number of copies of the complete paper book be supplied to her during the course of day.

Without commenting on merits of the case, the present petition is disposed of with a direction to the respondents to decide the legal notice dated 26.02.2020 (Annexure P-12) of the petitioner within a period of three months from the date of receipt of the certified copy of this order, in accordance with law and convey the decision to the petitioner. In case of failure to do so, the officer responsible for the lapse would be liable to costs of Rs.20,000/- from his personal pocket, to be deposited with the Punjab and Haryana High Court Advocates Welfare Fund.

26.04.2022
Chetan Thakur

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No