

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CWP No.14492 of 2021 (O&M)

Date of Decision.30.03.2022

Surjit Singh

...Petitioner

Vs

State of Punjab and others

...Respondents

CORAM:HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Baldev Singh Sodhi, Advocate
for the petitioner.

Mr. TVS Lehal, Addl. A.G., Punjab.

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JAISHREE THAKUR J. (ORAL)

C.M. No.4329 of 2022

Application is allowed.

Annexure P-4 is taken on record.

Main Case

The petitioner herein has approached this Court under Article 226 of the Constitution of India seeking quashing of order dated 08.07.2015 whereby his claim for appointment as Constable has been rejected by respondent No.2.

In brief, the facts as enumerated in the writ petition are that the petitioner herein was recruited as Special Police Officer with number 436 by the Senior Superintendent of Police, District Ferozepur on 01.01.1992 and served as such till 30.04.1994 when his services were discharged vide order dated 07.05.1994 passed by Senior Superintendent of Police, Ferozepur. However, the petitioner was again recruited in the 5th Indian Reserve Battalion of Punjab Police as Water Carrier and is working as such

till today. He approached the Deputy Inspector General of Police, Border Range Amritsar for his recruitment as Constable in the Punjab Police, who recommended his appointment at the post of Constable vide letter dated 02.09.2002. Even the Director General of Police also endorsed the same vide letter dated 17.10.2002 and had also granted relaxation in height by 1 ½” and in upper age limit, as a special case. The petitioner had made various representations to the Home Secretary, Punjab and Director General of Police, Punjab for his appointment as Constable in view of the recommendation made by the Director General of Police vide letter dated 17.10.2002, however, no action was taken. Thereafter, the petitioner approached this High Court in CWP No.6302 of 2015, which was disposed of vide order dated 06.04.2015 directing respondent No.2 therein to consider and decide representations of the petitioner by passing a comprehensive order while assigning reasons in support of the decision arrived. In compliance of the direction issued by this High Court vide order dated 06.04.2015, respondent No.2 vide speaking order dated 08.07.2015 rejected the claim of the petitioner and hence, the writ petition.

Learned counsel appearing for the petitioner assails the order dated 08.07.2015 by contending that similarly situated Special Police Officers, who were junior to the petitioner have been appointed as Constable, as has been established by order dated 12.07.2019, attached with the writ petition as Annexure P-3.

Notice of motion.

Mr. TVS Lehal, Addl. A.G., Punjab, who is present in Court, accepts notice for the respondents and supports the impugned order by contending that though name of the petitioner was recommended for

appointment as Constable by the Director General of Police vide letter dated 02.09.2002 but the State Government vide letter No.16/48/2002/4H(V)/1997 dated 20.05.2002 had already banned the direct recruitment and therefore, the recommendation so made by the Director General of Police was in contravention to the letter dated 20.05.2002. The case of the petitioner along with other candidates was reviewed in view of letter dated 20.05.2002 and was rejected vide office memo dated 28.09.2004 and therefore, prays for dismissal of the instant petition.

I have heard learned counsel for the parties and have perused the paper book. The services of the petitioner as Special Police Officer was discharged w.e.f. 30.04.1994 and his name for appointment as Constable was recommended on 02.09.2002. The petitioner approached this Court in earlier round of litigation in 2015 and the instant writ petition has been filed in the year 2021 challenging the order, which was passed on 08.07.2015 i.e. after a period of six years and in the whole process i.e. till 1994 to 2021, 27 years have lapsed. Be that as it may, first of all, name of the petitioner recommended for appointment as Constable on 02.09.2002 was in contravention to letter dated 20.05.2002 vide which the direct recruitments were banned and secondly, only those Special Police Officers were considered for the post of Constables by the Central Recruitment Board in the year 1997, 2000, 2002 and 2004, who were working as SPOs at that relevant point of time and found suitable for appointment/absorption as such. Admittedly, the petitioner was discharged from the post of SPO on 30.04.1994 and therefore, he cannot seek parity with the SPOs whose cases were considered by the respondent-Department vide Annexure P-3, as he was not working as SPO at the time when cases of SPOs were considered

for absorption as Constable by the Central Recruitment Board in the year 1997, 2000, 2002 and 2004.

In view of the aforesaid finding, this court finds no perversity in the order dated 08.07.2015 passed by respondent No.2. Consequently, the instant petition stands dismissed.

March 30, 2022
Pankaj*

(JAISHREE THAKUR)
JUDGE

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