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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP-14975-2016

Date of decision: 05.04.2022

BALWANT SINGH

...Petitioner

Versus

STATE OF PUNJAB & ORS

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. R. S. Mahnas, Advocate
for the petitioner.

Ms. Ambika Bedi, AAG, Punjab.

JAISHREE THAKUR, J.(ORAL)

The instant writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus directing the respondents to absorb the petitioner as Constable in accordance with the order dated 09.01.2009 (Annexure P-1) along with all consequential benefits such as fixation of pay, arrears etc. as the petitioner herein has been acquitted by this Court vide judgment dated 27.02.2015 (Annexure P-3).

Learned counsel for the petitioner herein would contend that the petitioner was initially appointed as SPO on 20.05.1995 in District Police, Khanna. The petitioner continued to be in service and, thereafter, was ordered to be absorbed in the Punjab Police as Constable vide order

dated 09.01.2009. It is contended that at the time when the order was passed for his absorption as Constable, he was facing proceedings under FIR No.48 dated 18.02.2001, registered against the brother of the petitioner and other family members on account of matrimonial dispute that arose between the brother of the petitioner and his wife. The petitioner herein was convicted under the said FIR but was eventually acquitted in appeal bearing No. CRA-S-724-SB-2002 vide judgment dated 27.02.2015. It is contended that the petitioner has filed the instant petition seeking absorption as a Constable with effect from the date of his recommendation i.e. 09.01.2009, but the petitioner during the pendency of these proceedings has been absorbed as a Constable in the year 2017. Learned counsel for the petitioner herein submits that though he has been absorbed as Constable, however, his seniority should have been fixed from the date of the recommendation i.e. 09.01.2009. He seeks liberty to withdraw the instant petition to file a representation seeking this relief.

Learned State counsel would submit that the instant petition has rendered infructuous in view of the fact that the petitioner stands absorbed and would not be entitled to the benefit as claimed because he was under conviction at that time.

I have heard learned counsel for the parties.

Keeping in view the fact that the petitioner stands absorbed as a Constable in the year 2017, the instant writ petition is disposed of with a direction to the respondent-State to consider the claim of the petitioner for considering the seniority of the petitioner from the date of his recommendation and also in view of the fact that petitioner stands exonerated. Any representation, made by the petitioner, will be decided

strictly in accordance with law, preferably within a period of four months of the representation having been made.

(JAISHREE THAKUR)
JUDGE

05.04.2022
Chetan Thakur

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