

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

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2023:PHHC:085869

RSA-4886-2019

Date of decision: 07.07.2023

HARBANS SINGH

..Appellant

Versus

STATE OF PUNJAB AND ANR

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: None for the appellant.

Mr. Sandeep Chopra, DAG, Punjab.

ANIL KSHETARPAL, J(Oral)

1. This appeal was filed in the year 2019.
2. For the last 4 years, the appeal has not been taken up for preliminary hearing.
3. On 04.07.2023, the learned counsel representing the appellant did not attend the hearing of the case. While adjourning the case, the office was directed to inform the learned counsel representing the appellant, which has been complied with.
4. In the first round, the learned counsel appeared and sought pass over, however, in the second round, he is not present.
5. Keeping in view the facts, this Court is left with no choice but to read and decide.
6. The appellant herein was appointed as a Special Police Officer on temporary basis in the year 1992. He was removed from service on 09.05.1994. Thereafter, the appellant submitted various representations in the year 1994, 1995, 1998 and 2001. In the year 2009, he sent a notice, which was considered and rejected by the Inspector General of Police.

Thereafter, the petitioner filed CWP-1473-2010, which was permitted to be

withdrawn with liberty to file civil suit. The appellant filed the suit, which was decreed by the trial Court. However, the First Appellate Court has reversed the judgment and decree passed by the trial Court. It is evident that the civil suit was filed after a passage of 16 years from the date the appellant was removed from the service. Moreover, he was inducted as Special Police Officer on temporary basis. The Special Police Officer is not a cadre post. The Special Police Officers are engaged as and when there is an additional requirement of the police force. He served only for two years.

7. In the grounds of appeal, it has not been disclosed that the services of Special Police Officers are governed by any Service Rules framed under Article 309 of the Constitution of India, which grant protection to the Special Police Officers.

8. In view of the aforesaid, no ground to interfere with the judgment passed by the First Appellate Court, is made out.

9. Dismissed.

10. All the pending miscellaneous applications, if any, are also disposed of.

July 07th, 2023

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(ANIL KSHETARPAL)
JUDGE

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