

223 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.29326 of 2018 (O&M)

Date of decision : 28.03.2023

Gursevak Singh & anr.

..... Petitioners

versus

State of Punjab & ors.

..... Respondents

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN

Present :- Mr. Chahat Goyal, Advocate for
Mr. Pankaj Garg, Advocate
for the petitioners.

Mr. Inderpreet Singh Kang, AAG, Punjab.

PANKAJ JAIN, J. (ORAL)

By way of present writ petition the petitioners seek writ in the nature of mandamus directing the respondents to consider the claim of the petitioners for recalling/reinstating them in the service claiming parity with some of the persons who were recalled in the year 2013 vide Annexures P-3 to P-11.

Learned State counsel submits that the issue with respect to recalling of similarly situated PSOs already stands concluded by Division Bench of this Court in LPA No.1088 of 2018 and other connected matters titled as ***State of Punjab & ors. Vs. Shingara Singh & ors., decided on 07.07.2022*** wherein it has been held as under :-

“22. In such circumstances, we are of the considered opinion, by answering the questions above that the writ petitions were reviving a dead cause which was burdened with delay and laches and were not liable to be entertained by the learned Single Judges. The view taken by the learned Single Judge in CWP

No. 19229 of 2018, Joginder Singh and others vs.State of Punjab, decided on 06.06.2019, is a more acceptable view since there is no legal right as such of the writ petitioners whereby they could ask for consideration for being recalled as held by the Apex Court that they are volunteers and not regular employees of the State. In the absence of any such legal right, the learned Single Judges were not correct in issuing the necessary directions. As noticed above, the two learned Single Judges as such, while deciding the cases in Jarnail Singh and Shingara Singh, have not taken into consideration the status as such of the Home Guards and their entitlements and their right as such to claim recall specially after a period of over two decades. However, the said respondent has also passed an order in three cases as such considering the claim and rejecting the same on 31.05.2017 (Annexure R-2) which has apparently also not been challenged. Even otherwise, we are of the considered opinion that the said order has kept in mind the factum of the status of the writ petitioners as such and even on merits otherwise not found them fit as such to perform the duties of constabulary having been out of service for the last two decades. The public interest element has also been kept in mind and the fact that they had absented on their own account and duly discharged.”

He further submits that the matter has already attained finality as the matter has already been concluded by the Hon'ble Apex Court.

Resultantly, no ground to interfere in the present writ petition is made out as the matter already stands concluded by the Hon'ble Apex Court.

Petition stands dismissed.

(PANKAJ JAIN)
JUDGE

28.03.2023
Pooja sharma-I

Whether speaking/reasoned	Yes
Whether Reportable :	No