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

CWP No. 22045 of 2022

Date of decision : May 24, 2023

Narinder Singh

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN

Present :-Mr. Ashok Bhardwaj, Advocate
for the petitioner.

Mr. Aman Dhir, DAG., Punjab.

PANKAJ JAIN, J. (ORAL)

1. The petitioner prays for issuance of writ in the nature of certiorari impugning the order dated 17.08.2022 (Annexure P-9) passed by respondent No.4 and communication dated 16.10.2019 (Annexure P-6) whereby the prayer of the petitioner for reinstatement stands declined.

2. The petitioner was appointed as S.P.O. with the respondent-department on 28.8.1992 and was discharged on 01.03.1993 on the ground of willful unauthorized absence. The petitioner never impugned the aforesaid order of discharge and even in the present writ petition there is no challenge to the said order. The right for reinstatement is being claimed upon a policy decision taken by the State of Punjab to take S.P.Os back in service dated 14.05.2008 claiming that on basis thereof many S.P.Os have been reinstated in the year 2013.

3. Even the aforesaid claim of the petitioner cannot be entertained in view of the fact that similarly situated persons claiming parity have been non-

suit by the Division Bench of this Court in LPA No. 1088 of 2018 (O&M) **State of Punjab and others Vs. Shingara Singh and others** decided on 07.07.2022. *The Division Bench culling out the aforementioned issues observed as under:-*

- (i) As to whether the writ petitions were maintainable at the belated stage after 15 years, only on account of legal notices having been served and directions issued by this Court to consider the same and whether the claim stood barred by delay and laches?*
- (ii) That on account of certain persons being taken back or recalled would entitle the persons employed earlier as Home Guards to have any indefeasible right as such to be recalled for duty?"*

The said issues were answered 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.

23. In such circumstances, we are of the considered opinion that the reasons given as such are well justified and, therefore, the writ petitions filed for similar relief are also not liable to be allowed ."

4. The aforesaid view taken by the Division Bench already stands affirmed by the Apex Court in SLP No. 36861-2022 .

5. In view of the long delay in approaching this Court, the present writ petition is ordered to be dismissed.

(PANKAJ JAIN)
JUDGE

May 24, 2023
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Whether speaking/reasoned	Yes
Whether Reportable :	No