



CWP-5203-2024

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

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Date of decision: 15.05.2024

MANPREET SINGH

....PETITIONER

Vs.

STATE OF PUNJAB AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Hemen Aggarwal, Advocate
for the petitioner.

Mr. Aman Dhir, DAG, Punjab.

JAGMOHAN BANSAL, J (ORAL)

1. Short reply of Parambir Singh Parmar, Assistant Inspector General of Police, Personnel-III, CPO, Punjab, Chandigarh filed on behalf of respondent Nos. 1 to 3 is taken on record. Registry is directed to tag the same at an appropriate place.

2. The petitioner through the instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of order dated 02.02.2024 (Annexure P-7) whereby his claim to the post of Constable in Armed Police Cadre has been declined.

3. The petitioner, pursuant to an advertisement dated 31.05.2016 (Annexure P-1) applied for the post of Constable. The respondent declared final result on 24.05.2022. Name of the petitioner figured at serial No. 4 and name of Amrit Pal Singh figured at serial No. 1 in the waiting list.

4. The respondent on account of non-joining of 3 candidates, invited 3 candidates who figured in the waiting list. The petitioner from his sources came

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to know that Amrit Pal Singh (candidate at serial No. 1 in the waiting list) has left the country and is no more interested to join the police force. He vide representation/notice dated 11.08.2022 (Annexure P-5) requested the respondent to issue him appointment letter. The respondent issued offer letter in favour of Amrit Pal Singh on 27.10.2022. Father of Amrit Pal Singh immediately reverted to respondents and brought in their knowledge that his son has already left the country. The Commandant 80th Battalion, P.A.P., Jalandhar informed ADGP, PAP vide letter dated 01.11.2022 that Amrit Pal Singh is not willing to join. ADGP vide communication dated 13.01.2023 informed AIG (Personnel) that Amrit Pal Singh is not willing to join.

5. As per advertisement readwith Standing Order No. 01 of 2016, the selection process had to be completed within 180 days from the date of declaration of the result, thus, the waiting list was bound to lapse on the expiry of 180 days from the date of declaration of result. The result was declared on 24.05.2022 and as per respondent, waiting list expired on 21.11.2022. The respondent by impugned order has formed an opinion that petitioner cannot be offered appointment letter because waiting list has lapsed and it cannot be revived.

6. Learned counsel for the petitioner *inter alia* contends that final waiting list was issued on 18.05.2022 and as per impugned order, it was valid till 21.11.2022. The petitioner was at serial No.4 in the waiting list and respondent offered appointment to candidates at serial No.1 to 3. Candidates at serial No.2 and 3 joined but candidate at serial No.1 did not join. The petitioner within 180 days from the date of result requested the respondents to consider his candidature because candidate at serial No.1 did not join. He cannot be denied

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opportunity on the sole ground that candidate at serial No.1 expressed his unwillingness in January' 2023.

7. Mr. Aman Dhir, DAG, Punjab submits that waiting list lapsed on 21.11.2022, thus, thereafter claim of petitioner could not be considered. There was no lapse on the part of respondents. The petitioner cannot be issued appointment letter.

8. I have heard the arguments of learned counsel for the parties and perused the record.

9. The conceded position emerging from the record is that advertisement inviting applications was issued on 31.05.2016. The final result was declared on 24.05.2022 and name of petitioner figured at serial No. 4 in the waiting list. On account of non-joining of selected candidates, the waiting list came into operation. The respondent offered appointment letter to candidates at serial Nos. 1 to 3 in the waiting list. Amrit Pal Singh who was at serial No. 1 in the waiting list, left the country in July/August' 2022. The respondent offered appointment letter to Amrit Pal Singh on 27.10.2022 and his father rejected the offer on or before 31.10.2022. The Commandant, 80th Battalion, P.A.P., Jalandhar vide communication dated 01.11.2022 informed ADGP that Amrit Pal Singh is not willing to join. The petitioner vide notice dated 11.08.2022 informed the respondents that Amrit Pal Singh has left the country, thus, he may be considered.

10. From the conceded position, it is evident that 180 days from the date of declaration of result lapsed on 21.11.2022. Amrit Pal Singh who was at serial No. 1 in the waiting list, declined to join on or before 31.10.2022. The Commandant, 80th Battalion, P.A.P., Jalandhar vide communication dated

01.11.2022 informed ADGP that Amrit Pal Singh is not willing to join. In such



circumstances, the respondent was bound to offer appointment letter to petitioner on or before the expiry of waiting list. The respondent received letter from father of Amrit Pal Singh on or before 31.10.2022 and Commandant, 80th Battalion, P.A.P., Jalandhar informed this fact to ADGP on 01.11.2022. The higher authorities came to know about the vacancy on 01.11.2022 and right of petitioner in any case accrued on 01.11.2022. The waiting list had to expire on 21.11.2022, thus, in the interregnum a period of 20 days was available with the respondents. The petitioner by letter dated 11.08.2022 had already lodged his claim. There is another aspect of the matter. The respondent offered appointment letter to Amrit Pal Singh on 27.10.2022 whereas result was declared on 24.05.2022. There is nothing on record disclosing the reason of issuance of appointment letter to candidate at serial No. 1 in the waiting list after the expiry of 5 months from the date of result. The said period of 5 months had expired due to lackadaisical attitude of officials concerned. The petitioner cannot be denied appointment on account of delay on the part of respondents.

11. In the wake of above discussion and findings, this Court is of the considered opinion that present petition deserves to be allowed and accordingly allowed. The respondents are hereby directed to issue appointment letter to the petitioner within 4 weeks from today. His date of joining shall be his date of appointment for all intent and purposes.

15.05.2024
manoj

[JAGMOHAN BANSAL]
JUDGE

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