

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

207

CWP-3491-1999 (O&M)
Date of decision: 15.04.2024

SPO BALJIT SINGH NO.266A/AC
Vs.
STATE OF PUNJAB AND ORS
...PETITIONER
...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Aditya Jain, Advocate and
Mr. Rahul Vohra, Advocate
for the petitioner.

Mr. Aman Dhir, DAG, Punjab.

Mr. R. Kartikeya Iyer, Advocate
for respondent No. 10.

JAGMOHAN BANSAL, J (ORAL)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of appointment of respondent nos. 6 to 11 as Constable and direct the respondents to appoint him as Constable prior to date of appointment of private respondents.

2. On 07.03.2024, the following order was passed:

“Status report by way of affidavit dated 06.03.2024 of Surinder Kumar PPS, Superintendent of Police, Headquarters, Gurdaspur filed on behalf of respondents No.1 to 5 is taken on record. Registry is directed to tag the same at an appropriate place.

As per reply, petitioner on 10.05.1985 joined Punjab Home Guard. As per Annexure P-5, the DGP recommended him for the post of Constable. As per reply, the petitioner was assigned SPO number 422 on 23.03.1994 and he was recruited as Constable in 3rd Indian Reserve Battalion and assigned constabulary number 80/422 but he did not join.

This Court in Bunch of petitions in CWP No. 7451 of 1996 titled as ‘Lal Mohd. and others vs. State of Punjab’ directed the respondents to consider case of all the SPOs for recruitment as Constable. The respondent constituted a Central Recruitment Board and all the SPOs from time to time were subjected to suitability test. The petitioner participated in the process and was found unsuitable on account of being overage. The petitioner was finally appointed as Constable w.e.f. 04.05.2010. He at present is working as Senior Constable.

Learned counsel for the petitioner seeks time to address further arguments.

Adjourned to 15.04.2024.”

3. Mr. Aditya Jain, Advocate expressed his inability to controvert the averment made in afore-stated affidavit dated 06.03.2024.

4. From the affidavit and submissions of both sides, it is evident that petitioner joined as SPO on 23.03.1994 and he was recruited as Constable and assigned constabulary number 80/422 but did not join. He was time to time considered for appointment as Constable, however, he could not fulfill requisite parameters and ultimately after granting age relaxation, was appointed as Constable w.e.f. 04.05.2010 and at present is working as Senior Constable.

5. There is no infirmity in the order of appointment of private respondents. The respondent has not discriminated anyone. The respondent in the light of judgment of this Court in **Lal Mohd (Supra)** considered case of all the SPOs and extended equal opportunity to everyone. The persons, who were selected as Constable in terms of aforesaid judgment, were granted seniority prior to their juniors. However, petitioner could not fulfill basic parameters, thus, at the initial stage, he could not be appointed as Constable. The respondent extending age relaxation has appointed him Constable w.e.f. 04.05.2010 and at present he is working as Senior Constable.

6. In the wake of above discussion and findings, the present petition stands disposed of.
7. Pending miscellaneous application(s), if any, shall also stand disposed of.

15.04.2024
manoj

[JAGMOHAN BANSAL]
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No