



CWP-7633-2023
CWP-17280-2021

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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CWP-7633-2023
Date of decision: 12.08.2024

SUKHWINDER SINGH AND OTHERS

....PETITIONERS

Vs.

STATE OF PUNJAB AND OTHERS

...RESPONDENTS

CWP-17280-2021

HARPINDER SINGH AND OTHERS

....PETITIONERS

V/S

STATE OF PUNJAB AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Yagsimant Attri, Advocate
for petitioner Nos. 1 to 9, 12, 14, 15, 16 to 24 and 26 to 29.

Mr. Sapan Dhir, Advocate and
Ms. Samina Dhir, Advocate
for petitioner No. 25.

Mr. Shobit Phutela, Advocate
for petitioner Nos. 10, 11, 13 & 30 to 32.

Mr. Rahul Verma, Advocate
for petitioner Nos. 33 to 35.

Mr. Aman Dhir, DAG, Punjab.

JAGMOHAN BANSAL, J (ORAL)

1. By this common order CWP-7633-2023 and CWP-17280-2021 are being disposed of since issues involved in both the petitions and prayer sought are common. With the consent of parties and for the sake of brevity, facts are borrowed from CWP-7633-2023.

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2. The petitioners through instant petition under Articles 226/227 of the Constitution of India are seeking direction to the respondents to issue them appointment letters for the post of Constable in Punjab Armed Police.

3. The petitioners, pursuant to advertisement of 1993 applied for the post of Constable. The respondents had advertised 5159 vacancies. The respondents as per their wisdom decided to fill up substantial posts from Special Police Officers (SPOs). The petitioners, despite vacancies were not appointed.

4. A litigation ensued between candidates and State of Punjab. Multiple petitions came to be filed before this Court. CWP-16191-1997 along with other petitions was disposed of vide judgment dated 23.12.2016. The writ petition was allowed with a direction to the State to consider the petitioners therein for appointment against 159 vacant posts. The State preferred Intra Court Appeal against the aforesaid order. LPA-737-2017 filed by State came to be dismissed vide order dated 31.10.2018 passed by a Division Bench of this Court. The State did not stop here and dragged the litigation to Supreme Court. SLP filed by State has also been dismissed by Supreme Court on 23.02.2024.

5. Learned Counsel for the petitioners are claiming that their names figured in the list of eligible candidates still they were not appointed. The vacancies are available, thus, they need to be considered like others who have been considered in 2017 or 2021. Many candidates who were lower in merit have been appointed during last 3-4 years.

6. Mr. Aman Dhir, DAG, Punjab submits that candidates who have been selected during last 3-4 years against vacancies advertised in 1993, were initially selected and had worked with respondent for few years. The petitioners cannot claim parity with them.

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7. The petitioners are claiming appointment against the posts which were advertised in 1993. The instant petitions stand disposed of with liberty to petitioners to approach Authorities on the ground of parity. If they file representation within 1 month from today, this Court is sanguine of the fact that the Competent Authority would look into their grievance and pass appropriate order within 6 months from today.
8. Disposed of accordingly.

12.08.2024

manoj

[JAGMOHAN BANSAL]

JUDGE

Whether speaking/reasoned

Whether reportable

Yes/No

Yes/No