



CWP-833-2013

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

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CWP-833-2013

Date of Decision: 22.05.2024

Amrik Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Ritesh Pandey, Advocate for the petitioner

Mr. Aman Dhir, Deputy Advocate General, Punjab

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of order dated 06.12.2011 (Annexure P-7) whereby his claim for the post of Constable was declined.

2. The petitioner joined Punjab police as Special Police Officer (for short 'SPO') on 10.04.1994. The respondent, in terms of orders passed by this Court or *suo motu* framed policies with respect to assigning Constabulary Number to SPOs. Accordingly, a number of SPOs were assigned Constabulary Number, however, petitioner was denied the said benefit because he was found involved in multiple criminal cases. He subsequently was acquitted in all the cases.



3. Mr. Ritesh Pandey, Advocate submits that the petitioner is still working with respondent as SPO, thus, in terms of policies of the State as well as judgments of this Court, he should be considered for the post of Constable.

4. Mr. Aman Dhir, Deputy Advocate General, Punjab submits that the petitioner was found involved in multiple criminal cases and was acquitted in one case on the basis of compromise. A person who is involved in multiple criminal cases cannot be considered for the post of Constable.

5. I have heard the arguments of learned counsels for both sides and perused the record with their able assistance.

6. From the perusal of record, it comes out that petitioner was embroiled in five criminal cases. All the cases were registered alleging commission of serious offences including offence punishable under Section 307 of Indian Penal Code, 1860 and Terrorist and Disruptive Activities (Prevention) Act. The petitioner, at all points of time, was SPO and the said post is a temporary post. No SPO can claim assignment of Constabulary Number as a matter of right though he can claim appointment on the basis of policy.

7. In the case in hand, the petitioner was involved in multiple criminal cases and it is a settled proposition of law that it is discretion of employer to appoint a person who is involved in one or more criminal cases. Court cannot direct the State to make appointment of a person who is involved in multiple criminal cases. It is apt to notice here that petitioner had not cleared any written or physical test which created some right in his favour.



8. In the wake of above discussion and findings, this Court is of the considered opinion that present petition being devoid of merit deserves to be dismissed and accordingly dismissed.

9. It is made clear that dismissal of present petition would not inhibit the respondents to consider petitioner for the post of Constable in terms of any policy, if framed at subsequent point of time.

(JAGMOHAN BANSAL)
JUDGE

22.05.2024
Mohit Kumar

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