



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

139

CWP-5982-2025

Date of Decision: 04.03.2025

Raj Kumar and others

.....Petitioner(s)

Versus

State of Punjab and others

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Shobit Phutela, Advocate,
and Ms. Harsheeta Rai Sharma, Advocate,
for the petitioners.

Mr. Aman Dhir, DAG, Punjab.

JAGMOHAN BANSAL, J. (Oral)

1. 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.

2. 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.

3. 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 came to be dismissed by Supreme Court on 23.02.2024.

4. This Court vide order dated 12.08.2024 directed the respondent to consider claim of petitioners. The respondent by impugned order dated 16.01.2025 has declined claim of petitioners.

5. 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. The petitioners were party to litigation since beginning. Thus, they deserve appointment.

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.

7. The petitioners are claiming appointment against the posts which were advertised in 1993. The selection process concluded in 1993 though litigation which ensued in 1996 came to be concluded in 2024. The petitioners were never permitted to join. The respondent has permitted to join those candidates who were initially appointed, however, came to be removed from service. They had worked for 3-4 years. The petitioners have never worked with respondent. A period of more than 3 decades has passed away. They are claiming post of Constable in the Punjab Police where physical and mental condition is of paramount consideration. All the petitioners have turned around 50 and age of superannuation in the Police Force is 55 years which may be extended till 58 years.



8. In these peculiar facts and circumstances, this Court does not find it appropriate to invoke its jurisdiction under Articles 226 and 227 of the Constitution of India.

9. Dismissed.

04.03.2025
shivani

(JAGMOHAN BANSAL)
JUDGE

Whether reasoned/speaking	Yes
Whether reportable	No