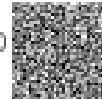


**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

2025:PHHC:000380



CWP No. 10827 of 2003

Date of Decision: 07.01.2025

Sanjeev Kumar

....Petitioner

VS.

The State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

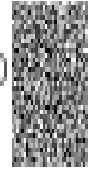
Present: Mr. Deepak Nayar, Advocate
for the petitioner

Mr. Aman Dhir, DAG, Punjab

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking direction to respondents to assign him Constabulary number.

2. The petitioner joined Punjab Home Guards at Amritsar on 27.02.1990 and attended training camp at Police Lines, Amritsar from the date of joining to 19.03.1990. While on duty with another Home Guard namely Naveen Sharma, he detected an abandoned cycle at Hall Gali Area with a bag. He found a time bomb in the said bag. He immediately informed Control Room and asked the nearby shop keepers to close their shops. The bomb was defused by bomb experts.



On account of aforesaid swift action of the petitioner, the Director General of Police recommended his name for assigning Constabulary number. It was proposed that Constabulary number be assigned though he does not fulfil the requisite criteria for appointment as Constable. The matter was considered by authorities at Punjab Armed Police and they reported to Director General of Police that there is no vacancy. On account of lack of vacancy, the petitioner despite recommendation of Director General of Police could not be assigned Constabulary number.

3. Mr. Deepak Nayar, Advocate submits that petitioner could not be deprived from the post of Constable on account of non-availability of vacancy when Director General of Police had recommended his name and relaxed the prescribed criteria.

4. Per contra, Mr. Aman Dhir, DAG, Punjab submits that recommendation of Director General of Police did not create vested or fundamental right in favour of the petitioner. As no vacancy was available, thus, he could not be appointed as Constable. There were many similarly situated candidates, however, no one could be appointed because in 1995 itself it was decided not to make further appointments.

5. I have heard counsel for the parties and perused the paper book with their able assistance.

6. Concededly, on account of act of bravery, the Director General of Police proposed petitioner's name for the post of Constable, however, he was never assigned Constabulary number because of non-availability of vacancy. The recommendation of Director General of Police did not create



vested or fundamental right in favour of the petitioner. He is still in service. As per record and as conceded by both sides, he is going to retire this year. This Court cannot ask the respondent to appoint him as Constable especially when he had not fulfilled requisite criteria and no post was available. The letter of Director General of Police neither created vested or fundamental right in favour of the petitioner. This Court in the absence of any valuable right cannot ask State to appoint the petitioner as Constable. As stated by State Counsel, this also needs to be considered that no other similarly situated person has been appointed as Constable.

7. In the wake of above discussion, the instant petition is hereby dismissed.

8. Despite dismissal of petition, however, in the wake of bravery act of the petitioner, the Director General of Police is requested to consider case of petitioner for monetary award before the date of his retirement. It is made clear that this direction shall not be treated as a precedent.

(JAGMOHAN BANSAL)
JUDGE

07.01.2025
paramjit

Whether speaking/reasoned:	Yes	
Whether reportable:	Yes	