

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

208

CWP-19850-2012

Date of decision: 27.02.2020

Sukhchain Singh

.....Petitioner

versus

State of Punjab and others

....Respondents

CORAM: Hon'ble Mr. Justice Girish Agnihotri

Present: Mr. Ranjit Sharma, Advocate
for the petitioner.

Mr. Rajesh Bhardwaj, Sr. DAG, Punjab.

GIRISH AGNIHOTRI, J. (Oral)

1. The petitioner-Sukhchain Singh has filed the present writ petition *inter alia* with the prayer to direct the respondents to give appointment letter to the petitioner as he was at Sr. no.3 in the waiting list prepared for General Category.
2. For the reasons mentioned hereunder, this Court finds merit in the submissions made by counsel for the petitioner and the writ petition is allowed for the following reasons:-
3. The brief facts as submitted by learned counsel for the petitioner, based on pleadings, which are also not broadly disputed are that vide an advertisement, 87 posts of constables were advertised. Out of 87 posts, the bifercation relevant for the present controversy is that 46 posts were meant for General Category and two posts were meant for Police Personnel. This

fact is not disputed by the respondents, as is evident from Para 2 of preliminary submissions of the reply dated 12.08.2013 filed by Shri Harwinder Singh, PPS, Superintendent of Police, Detective, Tarn Taran.

Para 2 of preliminary submissions of the reply is reproduced as under:-

“2. That in District Tarn Taran 87 post of Constable for the recruitment of constable for year 2011 from various category as per rules were allocated 87 out of those post 55 were allotted for general category i.e. 46 post for general category, 02 post for reserve quota for the wards of Police personnel, 06 post for Ex-servicemen and 01 post for dependents of freedom fighter and 22 post were reserved for schedule cast out of that 19 for schedule cast and 03 for schedule cast Ex-servicemen and 10 post were allotted for backward classes out of that 08 for backward classes and 02 for backward classes Ex-servicemen.”

4. In Para Nos.3 & 4 of preliminary submissions of the written statement, the Department has further submitted that there were two posts meant for General Category, separately reserved for wards of Police Personnel. It transpired from the subsequent affidavit that these two officials namely Paramjeet Singh and Gurpreet Singh have been given appointment and their names figure at Sr. Nos.27 and 46 respectively in the list of selected candidates of all category (appended with the reply dated 19.03.2019).

5. This Court therefore finds that if out of 46 candidates selected in the General Category, three candidates would not join/left the job, the petitioner would have got a right to be appointed.

6. On a pointed question put by this Court to learned counsel for the petitioner, who on instructions from the petitioner-Sukhchain Singh, who is present in the Court, submits that three persons out of 46, had not joined

namely Kulbir Singh, Roll No.C2579, Jagjit Singh Roll No.D3534 and Harminder Pal Singh Roll No.B1323.

7. Learned counsel for the respondent on instructions from Shri Davinder Singh, Civil Suit Clerk, submits that they have verified from the Department and the position that has been submitted by the petitioner is factually correct. Since there is no dispute on facts as submitted above, this Court deems it appropriate to allow the writ petition with the following directions:-

- (i) Petitioner be issued formal orders of appointment as Constable within a period of one month from the date of receipt of certified copy of the order.
- (ii) Petitioner be granted appointment w.e.f. the date, the others have been appointed, however without any financial benefits, but with benefit of pay fixation.

(GIRISH AGNIHOTRI)
JUDGE

27.02.2020

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Whether speaking/ reasoned:	Yes/No
Whether Reportable:	Yes/No