



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

CWP-14801-2025

Date of Decision:-27.05.2025

Neeraj Sharma

...Petitioner

Vs.

State of Punjab and Others

...Respondents

CORAM:- HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Puneet Kumar Bansal, Advocate
for the petitioner.

Mr. Aman Dhir, DAG, Punjab.

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner through instant petition under Article 226 of the Constitution of India is seeking setting aside of orders dated 07.02.2024 (Annexure P-31), 15.05.2023 (Annexure P-28), 19.07.2022 (Annexure P26), 03.01.2022 (Annexure P-24) and 03.12.2021 (Annexure P-23) whereby respondent has rejected his representations seeking post of Sub-Inspector.

2. The petitioner claims that his father was working as Spy with Intelligence Bureau and he used to go to Pakistan for intelligence purposes. He was apprehended by Pakistan Army in December' 1968 and was handed over to Military Security. He was tried by Military Court and ultimately awarded sentence of 10 years. He was released in December' 1974. He came back to India through Wagah Border, Amritsar. He vide application dated 06.08.2008 requested Chief Minister, Punjab to help

him like Kashmir Singh. Deputy Commissioner, Ferozepur vide letter dated 27.11.2013 intimated that monthly income of the family is about ₹6,000/- and they have only one house measuring 3 Marlas. On 24.12.2014, Chief Minister, Punjab sanctioned financial assistance of ₹50,000/-.

3. The petitioner submitted application dated 07.07.2018 to Chief Minister, Punjab with a request to give him job like similarly situated persons. His father passed away on 22.10.2018. A communication took place between different authorities and ultimately, the petitioner despite possessing qualification of D. Pharmacy and B.Sc. (Medical) was offered post of Constable. His enlistment as Constable was approved vide communication dated 24.10.2020. The petitioner joined service as Constable. He made representation dated 25.06.2021 to Chief Minister, Punjab with a request that in view of his education qualifications, he should be given higher post like similarly situated persons. The authorities exchanged letters and his representation came to be rejected.

4. Learned counsel for the petitioner *inter alia* contends that petitioner is a highly qualified person and respondent-State has offered Class-B post to similarly situated persons. On the ground of parity, the petitioner should be given post of at least Assistant Sub-Inspector instead of Constable.

5. Mr. Aman Dhir, DAG, Punjab submits that there is no policy of the State to make appointment as claimed by petitioner.

6. On the asking of Court, Mr. Puneet Kumar Bansal, Advocate

expressed his inability to controvert the fact that there is no instruction or policy of State Government whereunder petitioner can claim higher rank.

7. The respondent as per its wisdom and considering factual & family background of the petitioner offered him post of Constable which he accepted and joined. He is making representations claiming higher rank. His representations stand rejected by respondent-authorities.

8. This Court in the absence of express or implied policy of the State Government cannot direct authorities to consider the petitioner for a higher rank especially when he has already been offered and appointed as Constable without complying with terms and conditions applicable to the post of Constable.

9. Dismissed.

(JAGMOHAN BANSAL)
JUDGE

27.05.2025

Prince Chawla

Whether Speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No