



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

107

CWP-7795-2026

Date of Decision : **March 16, 2026**

MAKHAN SINGH

.....Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

.....Respondents

CORAM: HON'BLE MR. JUSTICE DEEPINDER SINGH NALWA

Present : Mr. Dinesh Ghai, Advocate for the petitioner.

Mr. Amarpreet Singh Bains, AAG, Punjab.

Ms. Neha Jain, Sr. Panel Counsel for UOI-respondent No.4.

DEEPINDER SINGH NALWA, J. (Oral)

1. In the present writ petition, the petitioner has challenged the impugned orders dated 20.07.2021 (Annexure P-21) and dated 18.02.2026 (Annexure P-27) whereby, the claim raised by the petitioner for grant of appointment as Male Constable (Driver) in the Punjab Police Department against the ex-servicemen category has been rejected.

2. Brief facts of the case are that the Punjab Police issued an advertisement in the year 2016 i.e. 15.10.2016 (Annexure P-8) inviting applications for direct recruitment to fill up 750 posts of Male Constable (Driver) in the District Police Cadre of Punjab Police. In pursuance to the abovesaid advertisement, the petitioner applied for consideration under ex-servicemen-SC category. The case of the petitioner was duly considered. As per the petitioner, in accordance with the provisional merit list of Constables

Drivers under ex-servicemen-SC category, the petitioner was shown at serial No.1, having obtained 31 marks in the written test and his rank in merit was 733. As per the petitioner, in spite of the fact that the petitioner was shown at serial No.1 in the ex-servicemen-SC category, no appointment letter was issued to the petitioner. The petitioner submitted a representation dated 03.01.2017 (Annexure P-13). However, the abovesaid representation was not decided by the respondent-Department. As a consequence of this, the petitioner filed CWP No.1721 of 2017, which was dismissed as withdrawn vide order dated 13.11.2019 (Annexure P-17) with a liberty to file a fresh representation before the respondents. In view of the liberty granted by this Court, the petitioner again submitted a representation dated 27.01.2020 (Annexure P-18) before respondent No.2. No decision was taken on the abovesaid representation. The petitioner again approached this Court by way of filing CWP No.3909 of 2021, which was disposed of by this Court on 19.02.2021 (Annexure P-19) with a direction to respondent No.3 therein to consider the representation dated 27.01.2020 (Annexure P-18) within four weeks from the date of receipt of certified copy of the order. In compliance of the order passed by this Court, respondent No.3 passed order dated 20.07.2021 (Annexure P-21), whereby the claim of the petitioner for consideration of his case under the category of ex-servicemen for the purpose of appointment on the post of Male Constable (Driver) was rejected.

3. Aggrieved against the order dated 20.07.2021, the petitioner filed writ petition before this Court being CWP No.19550 of 2021. The same came up for consideration before this Court on 09.02.2022 and was dismissed.

Aggrieved against the order passed by the Single Judge dated 09.02.2022

(Annexure P-22), the petitioner filed an LPA before this Court, being LPA No.200 of 2022. The petitioner withdrew the abovesaid appeal with a liberty to file a representation before the appropriate authority. The copy of the order passed by the Division Bench of this Court dated 11.03.2022 is attached with the present writ petition as Annexure P-23. In light of the order passed by the Division Bench of this Court dated 11.03.2022 (Annexure P-23), the petitioner again filed a detailed representation dated 28.03.2022 (Annexure P-24). No decision was taken on the abovesaid representation. As a consequence, the petitioner again filed a writ petition before this Court, being CWP No.21388 of 2022, which was disposed of by this Court vide order dated 18.08.2025 (Annexure P-25) with the observations that the State may look into the grievance of the petitioner and pass an appropriate order within six months from the date of passing of the order. Thereafter, the petitioner again submitted a representation dated 26.08.2025 (Annexure P-26) before the respondent-authority. It transpires that the petitioner also filed a contempt petition before this Court, being COCP No.848 of 2026. During the pendency of the contempt petition, the respondent-Department passed the impugned order dated 18.02.2026 (Annexure P-27) whereby, the claim of the petitioner for consideration of his case under the ex-servicemen category for the purpose of appointment on the post of Male Constable (Driver) was rejected. In view of the above, the contempt petition was disposed of.

4. The petitioner has filed the present writ petition against the orders dated 20.07.2021 (Annexure P-21) and dated 18.02.2026 (Annexure P-27) whereby the claim of the petitioner for consideration of his case under

the ex-servicemen-SC category for the purpose of appointment on the post of Male Constable (Driver) has been rejected.

5. Learned counsel appearing on behalf of the petitioner submits that the instructions issued by the Government of India, Ministry of Home Affairs, vide Office Memorandum dated 23.11.2012 (Annexure P-16) have been applied by a number of other States. As such, the case of the petitioner should also be considered in light of the abovesaid Office Memorandum (Annexure P-16). Reliance is also placed upon the judgment passed by the Hon'ble Supreme Court in **Akhilesh Prasad Vs. Union Territory of Mizoram, 1981 AIR 806** (Annexure P-31).

6. In regard to the contention raised by the learned counsel appearing for the petitioner is concerned, a perusal of the facts of the present case would show that in fact similar contention raised by the petitioner had already been considered by a Co-ordinate Bench of this Court in CWP No.19550 of 2021, which was dismissed on 09.02.2022 (Annexure P-22). Aggrieved against the abovesaid judgment passed by the Single Judge dated 09.02.2022 (Annexure P-22), the petitioner filed an LPA before the Division Bench being LPA No.200 of 2022, which was withdrawn by the petitioner with a liberty to file a representation. Since the order dated 20.07.2021 (Annexure P-21) has been upheld by the Single Judge of this Court in CWP No.19550 of 2021, decided on 09.02.2022 (Annexure P-21), the petitioner cannot again challenge the same order in the present writ petition. Even otherwise, the reasoning recorded by the Department in the order dated 20.07.2021 (Annexure P-21) while rejecting the claim of the petitioner are

same as recorded in the order passed by the Department on 18.02.2026 (Annexure P-27).

7. Taking into consideration the fact that the contention raised by the petitioner has already been considered and rejected by a Co-ordinate Bench of this Court in CWP No.19550 of 2021, decided on 09.02.2022 (Annexure P-22) which has attained finality, as such, no relief can be granted to the petitioner. Accordingly, this Court finds no merit in the present writ petition and the same is dismissed.

8. Pending application(s), if any, also stand disposed of accordingly.

(DEEPINDER SINGH NALWA)
JUDGE

March 16, 2026
ajaysharma

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