



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RSA-2069-2006 (O&M)

STATE OF PUNJAB AND ANR.

..Appellants

Versus

DALJIT SINGH (SINCE DECEASED) THROUGH HIS LRS. & ANR.

..Respondents

Reserved on: 30.04.2026

Pronounced on : 06.05.2026

Uploaded on : 07.05.2026

Whether only the operative part of the judgment is pronounced? NO
Whether full judgment is pronounced? YES

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. Animesh Sharma, Addl. A.G. Punjab.

Mr. Ashish Gupta, Advocate
for respondent Nos.1(i) to 1(iii).

* * * * *

SUDEEPTI SHARMA, J.

1. The present regular second appeal is preferred against judgment and decree dated 19.11.2005 passed by learned Additional Civil Judge (Senior Division), Faridkot and judgment and decree dated 16.03.2006 passed by learned Additional District Judge, Faridkot, whereby, civil suit filed by the respondent No.1 was decreed and appeal filed by the appellants was dismissed, respectively.

2. Vide order dated 29.05.2006 passed by this Court, execution of impugned judgment and decree was stayed.

BRIEF FACTS OF THE CASE

3. Brief facts of the case as per the pleadings in the civil suit are that respondent was appointed as SPO on 05.05.1993 as per the instructions



dated 26.07.1990 and as per these instructions he was to be absorbed as SPO after six months but these instructions were revised and period of six months was extended up to one year. Prior to this, respondent was in Army and he served in Army from 13.07.1973 to 31.07.1988. It is alleged that from 05.05.1993 to 29.12.2001, respondent was performing duties as Bank Guard and had been receiving his pay after verification from police station. However, on 29.12.2001 Bank refused to take respondent on duty since no Bank guard was required by the Bank. Thereafter, he went to SSP office to report on duty but SSP refused to accept the respondent on duty, therefore, he filed civil suit. The civil suit filed by him was decreed in his favor vide judgment and decree dated 19.11.2005 passed by learned Additional Civil Judge (Senior Division), Faridkot. Thereafter, the appellants filed appeal against the same which was dismissed on 16.03.2006 by learned Additional District Judge Faridkot. Hence the present appeal.

SUBMISSIONS OF LEARNED COUNSEL FOR THE PARTIES:-

4. Learned counsel for the appellants contends that both the Courts failed to appreciate that respondent No.1 who was engaged as SPO with the specific purpose as Guard with the Bank and was not in service of State. Further that bank did not require services of Guard after 29.12.2001, therefore, did not further engage respondent No.1. He further contends that SPO cannot be absorbed as Constable with the appellants since SPOs are engaged for specific purpose.

5. In support of his arguments, he relies upon the judgment passed by this Court in **Civil Writ Petition No.7128-2006, titled as "Bhajan Lal versus State of Punjab and others", decided on 02.09.2025**. He, therefore, prays that present appeal be allowed.



6. Per contra, learned counsel for respondent No.1(i) to 1(iii) contends that both the Courts have rightly decreed the civil suit filed by respondent No.1 and dismissed the appeal filed by the appellants. He, therefore, prays that the present appeal be dismissed.

7. I have heard learned counsel for the parties and have perused the whole record of the case with their able assistance.

8. Admittedly, respondent was enrolled as SPO on 05.05.1993 vide instructions dated 26.07.1990 and he performed his duties in the Bank as Bank Guard and the Bank refused to take respondent further after 29.12.2001 on duty as Guard since his services were not required. Learned trial Court by relying upon decision of writ petition (CWP-812-1994) filed by the SPOs, whereby, writ petition was disposed of with the direction to the respective SSPs to consider the claim of petitioners in the writ petition for absorption as Constable, without appreciating the fact that this Court had directed to consider the claim of the petitioners only, decreed the civil suit filed by the respondent and held that respondent is entitled to be considered and absorbed as Constable in Punjab Police and held him entitled to all arrears of salary and pay, which the other Constables are entitled.

9. The judgment and decree passed by learned trial Court is totally against the law. Learned First Appellate Court has rightly held the finding of trial Court regarding entitlement to be absorbed as regular Constable w.e.f. the date of absorption of his juniors as wrong. Learned First Appellate Court also held that issue No.2, 3 and 4 holding respondent to be entitled to all benefits of service as he has been absorbed in service as Constable also wrong and modified the decree to the extent that name of respondent be considered for his absorption as Constable w.e.f. the date, the juniors to him

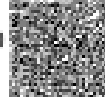


were appointed. Further, in case he is found suitable held him entitled to all consequential benefits of service.

10. Both the Courts failed to appreciate the very fact that Special Police Officer (SPO) is not a post.

11. Further, it was nowhere alleged by the respondent that his juniors are absorbed still both the Courts have held the respondent entitled to be absorbed as Constable from the date his juniors are absorbed. In the writ petition also a direction was issued by this Court to consider the claim, whereas, in the present case both the Courts have directed the appellants to appoint the respondent as Constable, which clearly shows that both the Courts have misread the decision of this Court in writ petition filed by other batch of SPOs.

12. Without appreciating the fact that SPO does not have any right since he is not appointed against a post and, admittedly no posts were advertised by the appellant. Just by relying upon the decision in the writ petition filed by some other batch of SPOs, appointment of respondent as Constable would be considered as back door entry which is contrary to the judgment of Hon'ble Supreme Court in **State of Karnataka and others Vs. Umadevi and others, 2006 AIR Supreme Court 1806.** Both the Courts have held the respondent entitled to be appointed as SPO from the date his juniors have been appointed along with consequential benefits, which is totally contrary to the law laid down by the Hon'ble Supreme Court in **Umadevi's case (supra).**

**Decision**

14. In view of the above discussion, judgment and decree dated 19.11.2005 passed by learned Additional Civil Judge (Senior Division), Faridkot and judgment and decree dated 16.03.2006 passed by learned Additional District Judge, Faridkot are set aside.

15. Accordingly, the present regular second appeal is ***allowed***.

16. Decree sheet be prepared accordingly.

17. All the pending miscellaneous applications, if any, are also disposed of.

06.05.2026*Ayub/Saahil***(SUDEEPTI SHARMA)
JUDGE**

Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*