



CWP-4864-2018

:1:

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

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CWP-4864-2018 (O&amp;M)

Date of decision : 27.04.2026

KANWALJIT SINGH

..... Petitioner

VERSUS

STATE OF PUNJAB AND ORS

..... Respondents

CORAM : HON'BLE MR. JUSTICE DEEPINDER SINGH NALWA

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Present :- Mr. R. K. Arya, Advocate  
for the petitioner.

Mr. Amarpreet Singh Bains, AAG, Punjab and  
Mr. N. P. S. Hira, DAG, Punjab.

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**Deepinder Singh Nalwa, J. (Oral)**

1. In the present writ petition, the petitioner has challenged the order dated 12.01.1999 (Annexure P-4) passed by respondent No.4, to the extent that the petitioner has been allowed to continue as a Constable w.e.f. 08.04.1998 instead of 23.06.1994.

2. Brief facts of the case are that the petitioner was appointed as an Auxiliary Constable on 21.02.1994 and was granted out of turn promotion as a Constable on 23.06.1994. It transpires that some SPOs/Auxiliary Constables filed a writ petition before this Court seeking direction to enlist them as Constable on the ground that some of the SPOs/Auxiliary Constables have been granted out of turn appointment as Constable from

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amongst the existing SPOs/Auxiliary Constable by superseding the seniors. It transpires that this Court directed that the enlistment made earlier on the post of Constable should be reconsidered and enlistment as Constable should be made in terms of the relevant rules.

3, In light of the direction given by this Court, the cases of all SPOs/Auxiliary Constables who were appointed/enlisted as Constables were reconsidered. After reconsideration, it transpired that the petitioner did not fall within the priority list and as a consequence of this, he was served with a show cause notice dated 04.09.1997 (Annexure P-2) proposing his reversion to the post of SPO/Auxiliary Constable. The petitioner duly filed reply to the above said show cause notice. After considering the reply, the petitioner was reverted to the post of SPO/Auxiliary Constable on 08.10.1997 (Annexure P-3).

4. Thereafter, the petitioner was appointed/enlisted as a Constable w.e.f. 08.04.1998 in 10% quota provided in terms of the standing order No.2/97 vide order dated 12.01.1999. The petitioner submitted a detailed representation to DGP, Punjab as no decision was taken by the DGP on the said representation. Aggrieved against the order dated 12.01.1999 (Annexure P-4), the petitioner has approached this Court by way of filing the present writ petition.

5. Learned counsel appearing on behalf of the petitioner submits that since the petitioner was earlier appointed/enlisted as a Constable on 23.06.1994 and after reversion he has again been appointed/enlisted as a Constable as such, the petitioner is entitled to be treated as having been

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appointed on the post of Constable w.e.f. 23.06.1994 and not from 08.04.1998.

6. On the other hand, learned State counsel submits that there is no illegality in the decision taken by the respondent-Department while appointing/enlisting the petitioner on the post of Constable w.e.f. 08.04.1998 vide order dated 12.01.1999. Learned counsel submits that the petitioner was reverted vide order dated 08.10.1997 (Annexure P-3) on the ground that the petitioner was not eligible to be appointed/enlisted on the post of Constable w.e.f. 23.06.1994 as he does not fall in any priority category in light of the relevant standing Order. The petitioner was again appointed/enlisted as a Constable w.e.f. 08.04.1998, as per the standing order as such, petitioner cannot claim appointment/enlistment on the post of Constable w.e.f. 23.06.1994.

7. After hearing the learned counsel for the parties at some length, a perusal of the facts of the case would show that the petitioner was initially appointed as an Auxiliary Constable w.e.f. 21.02.1994 thereafter, the petitioner was appointed/enlisted to the post of Constable on 23.06.1994. It transpires that appointed/enlisted to the petitioner on the post of Constable was not in terms of the standing order, as a consequence of this, the petitioner was reverted to the post of Auxiliary Constable on 08.10.1997 from the post of Constable. Thereafter, in terms of the standing order, the petitioner was again appointed/enlisted as a Constable w.e.f. 08.04.1998.

8. Taking into consideration the fact that as per the standing order, the petitioner was entitled for appointment/enrollment on the post of

Constable w.e.f. 08.04.1998 instead of 23.06.1994 as such, the petitioner

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cannot claim appointment/enlistment as a Constable w.e.f. 23.06.1994. Even otherwise also, the petitioner has not challenged the order of reversion dated 08.10.1997 (Annexure P-3). It is also not in dispute that the petitioner has been enlisted/enrolled on the post of Constable w.e.f. 08.04.1998 as per the standing order. It is also not the case of the petitioner that appointment/enlistment of petitioner on the post of Constable w.e.f. 08.04.1988 is contrary to any rules.

9. In view of above, no relief can be granted to the petitioner. Accordingly, finding no merit in the writ petition, the present writ petition is dismissed.

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

**(DEEPINDER SINGH NALWA)**  
**JUDGE**

**27.04.2026**

Rimpal

Whether speaking/reasoned  
Whether Reportable :

Yes/No  
Yes/No