

(2000) 08 P&H CK 0076

In the Punjab And Haryana At Chandigarh

Case No : Civil Writ Petition No. 6662 of 2000 and Civil Miscellaneous No. 10923 of 2000

Suchvinder Singh and others

APPELLANT

Vs

State of Punjab and others

RESPONDENT

Date of Decision : 01-08-2000

Acts Referred:

Citation : (2000) 08 P&H CK 0076

Hon'ble Judges : N.K. Sud, J;N.K. Sodhi, J

Bench : Division Bench

Advocate : D.S. Brar, for the Appellant;

Judgement

N.K. Sodhi, J.—This order will dispose of two writ petitions 6662 and 6682 of 2000 in which common questions of law and fact arise.

2. Challenge in both these writ petitions is to the orders passed by the Senior Superintendent of Police, Muktsar and Batala whereby the claims of each of the petitioners were considered for absorption as constables in the Punjab Police and rejected either on the ground that they did not qualify in the written test or on account of their having failed in the physical trials/tests. It is not in dispute that the petitioners were recruited as Special Police Officers (SPOs) in the year 1992 and the claim made by them in these petitions is for absorption as constables. Their primary grievance is that the respondents were not justified in judging their suitability against by requiring them to take written test along with physical test. According to them their suitability had already been judged when they were recruited as SPOs and that they are entitled to be absorbed as Constables in the Punjab Police on the basis of their seniority.

3. We have heard counsel for the petitioner and find no merit in the grievance made by them. A similar matter came up before this Court in Balour Singh v. State of Punjab Civil writ petition 8537 of 2000 decided on 11-7-2000 (Reported in (2000) 4 STC 223 wherein it was held as under :-

"Petitioners, no doubt, had undergone a written test as also a physical test when they were recruited as SPOs in the year 1992 but that does not entitle them to be absorbed as constables in the Punjab Police on the basis of their seniority. Clause (13) of the Standing Order of 1990 which has been reproduced above makes it manifestly clear that the Auxiliary Constable would be eligible for recruitment as Constables provided their work and conduct is found satisfactory by the District Senior Superintendent of Police. It further provides that the District Senior Superintendent of Police will make selection out of the eligible Auxiliary Constables for appointment as Constables. It is only after they are selected as Constables that they are governed by the Punjab Police Rules. It is for the purpose of this selection that the Director General has issued Standing Order No. 2 of 1997 prescribing a written test and a physical test. There is nothing wrong in holding such tests because the suitability of the petitioners for absorption as Constables has to be judged and this is the most fair way of judging their suitability. No fault can, thus, be found with the action of the respondents in holding a written test and a physical test for the purpose of judging the suitability of SPOs for absorption as Constables. In this view of the matter, the respondents cannot be directed to absorb the petitioners as Constables merely on the basis of their seniority."

4. In the present case, the petitioners appeared in the written test as also in the physical test and have not been able to clear one or the other. Respondent No. 3, was, therefore, justified in rejecting their claims for absorption as Constables.

5. In the result, the writ petitions fail and are hereby dismissed.

6. Petition dismissed.