



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

**CWP No. 32080 of 2025  
Date of Decision:31.10.2025**

**Harnek Singh**

**....Petitioner**

**VS.**

**State of Punjab and others**

**....Respondents**

**CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL**

Present: Mr. Harpal Singh Saini, Advocate (through VC)  
for the petitioner

Dr. Dharminder S.Lamba, Addl. A.G., Punjab

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**JAGMOHAN BANSAL, J. (ORAL)**

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of his appointment w.e.f. 07.07.2020 instead of notional from the date candidates lower in merit in the SC Category were appointed.

2. The petitioner belongs to Sikh Ramdasia Caste which is recognized as Scheduled Caste. He joined Indian Army on 17.03.1988. He was discharged from Army w.e.f. 01.04.2012 and recommended to be fit for civil employment. He applied for the post of Constable. In the application form he specifically disclosed his category 'Scheduled Caste' (SC). The respondent considered him under General Category though he belongs to SC Category. Candidates lower in merit in SC Category were selected. He



submitted representation dated 01.02.2012 which was followed by legal notice. The respondent clarified that he was considered under General Category because he did not attach SC Category certificate along with application. He preferred CWP-17133-2012 before this Court seeking appointment letter. The aforesaid writ petition came to be allowed vide order dated 21.08.2019. The respondent was directed to consider and appoint petitioner on the post of Constable under SC Category. The respondent vide order dated 07.07.2020 offered appointment letter on provisional basis. He preferred representation dated 04.02.2023 seeking appointment on notional basis from the date other candidates were appointed.

3. Learned counsel for the petitioner submits that petitioner had applied under SC Category still was considered under General Category. There was no lapse on his part. He was issued appointment letter in 2020 whereas he was eligible for posting in 2012-2013. He deserves notional benefits from 2012-2013.

4. The petitioner preferred CWP-17133-2012 seeking setting aside of order dated 12.07.2012 whereby his claim for the post of Constable was rejected. The said petition was allowed vide order dated 21.08.2019. and impugned order dated 12.07.2012 was set aside. The operative portion of order dated 12.07.2012 reads as:-

*“ In view of the above, the present civil writ petition is allowed. The order dated 12.07.2012 (Annexure P-7) is hereby quashed. The respondents are directed to consider and appoint the petitioner on the post of Constable in the Punjab Police by treating him a Schedule Caste category candidate. The necessary exercise be completed within a*



period of 2 months from the date of receipt of certified copy of the judgment.”

5. From the perusal of operative part of order dated 21.08.2019, it is evident that there was direction to complete exercise within two months from the date of receipt of certified copy of the judgment. The petitioner was issued appointment letter in 2020 and he joined service. A period of five years from the date of joining service has passed away. The claim of petitioner is hit by doctrine of constructive *res judicata* as well as delay and laches.

6. Dismissed.

(JAGMOHAN BANSAL)  
JUDGE

31.10.2025  
paramjit

Whether speaking/reasoned:	Yes	
Whether reportable:		No