

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

C.W.P. No.162 of 2012

Date of Decision : 23.03.2015

Pritam

..... Petitioner

versus

The State of Haryana and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Raman B. Garg, Advocate
for the petitioner.

Ms. Shruti Goyal, A.A.G., Haryana.

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

AJAY TEWARI, J. (Oral)

The claim in the present petition is for issuance of direction to the respondents to consider the case of the petitioner under the Ex-gratia appointment policy prevalent at the time of death of father of the petitioner.

The father of the petitioner died on 10.07.1993. At that time admittedly the petitioner was minor. When he become major in the year 2001 he again applied for appointment on compassionate ground. However, his case was rejected in the year 2003. After 2 years he sent legal notice in the year 2005. Even that did not elicit the desired response. Thereafter, he again kept representing till the year 2009 but again not having gotten any

relief he filed the present writ petition on 02.01.2012.

I asked the learned counsel for the petitioner, why this petition be not dismissed on the ground of delay and laches since the cause of action had accrued to the petitioner in the year 2003. The only argument made is that this is a beneficial scheme and therefore delay as such should not disentitle the petitioner.

On the other hand, the learned Assistant Advocate General has argued that by its very nature any claim of this type is for the purpose of tiding over immediate financial crises brought by the death of bread earner and now 20 years having been lapsed in the present case this premise cannot be utilized by the petitioner.

I find weight in the argument of the learned Assistant Advocate General. Once the cause of action had accrued to the petitioner in the year 2003 and on that date he was major, the mere fact that he kept making representations would not cure this delay in filing the petition. It has to be kept in mind that a period of 8 years and 9 months was permitted to go-by before the petitioner approached this Court. In the circumstances, no relief can be granted to the petitioner.

Petition is dismissed.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

March 23, 2015

ashish

**(AJAY TEWARI)
JUDGE**