

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

**CWP No.10661 of 2015 (O&M)
Date of decision: 25.05.2015**

Ajmer Singh

... Petitioner

Vs.

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

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

Present:- Mr. Ashish Pannu, Advocate
for the petitioner.

AMIT RAWAL J.

The petitioner has approached this Court for issuance of an appropriate direction quashing the appointment of respondents No.4 to 8 as Constables in Haryana Police on the premise that they have been illegally/wrongly selected in SC/dependents of Ex-serviceman category whereas in the advertisement there is no such post available.

Mr. Ashish Pannu, learned counsel appearing on behalf of the petitioner has referred to the advertisement Annexure P-1, whereby, for recruiting male candidates (general duty) in Haryana Police, there was reservation for ex-servicemen, SC/BC and ESM candidates who are resident of Haryana State. He further submitted that since there was no provision of reservation for SC/Dependents

of Ex-serviceman, respondent Nos.4 to 8 have been appointed as constables under SC/DESM category, therefore, action of the respondents in appointing them is violative under Articles 14 and 16 of the Constitution of India, much less, illegal, arbitrary and discriminatory.

I have heard learned counsel for the petitioner and appraised the paper book.

The foremost question to be answered is whether petition is maintainable for want of explanation in approaching well within reasonable period. Admittedly, the result of petitioner was declared in 2011 and to a specific query in explaining delay, in reply to that, he has referred to paragraph 10 of the writ petition, which reads thus:-

“10. That though the selection pertains to the year 2011 but it is respectfully submitted that the petitioner has been running from pillar to post since 2011 but could not get any positive record to substantiate his claim. Hence the delay in filing the present writ petition has occurred due to the above said fact, which is neither intentional nor willful. The petitioner was of the opinion that until and unless, he is able to convince this Hon'ble Court by documentary evidence that the selection is neither fair nor impartial rather the same has been done by adopting the method of pick and choose, he should not approach this Hon'ble Court to waste the precious time of Court.”

The explanation given in aforementioned paragraph is not only unreasonable but fails to meet the parameters of seeking the condonation of delay from the circumference of doctrine akin to delay and laches. Even otherwise, it is now well settled law by Hon'ble the Supreme Court in **Subordinate Services Selection Board vs. Bir Singh and another, Ram Niwas and others 1995 Supp (2) Supreme Court Cases 651**, wherein, it has been held that in case ex-servicemen are not available and there exists vacancies reserved for ex-servicemen, the dependent i.e. son or daughter of ex-servicemen are eligible for consideration to appointment, subject to the candidate's possessing qualifications prescribed for the posts. Since all the respondents possessed the requisite qualification on the basis of which they have been appointed, the grievance of the petitioner is misplaced and is contrary to the settled law.

In view of what has been observed above, there is no merit in the present writ petition.

Dismissed.

(AMIT RAWAL)
JUDGE

May 25 , 2015
savita