

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.112

C.W.P. No.16148 of 2015

Date of decision:17.08.2015

Sukhbir Singh and others

.....Petitioners

versus

The State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. S.S. Duhan, Advocate, for the petitioners.

DEEPAK SIBAL, J. (Oral)

The services of the petitioners had been regularized as Ticker Verifiers w.e.f. 01.04.1993.

Through the present petition, the petitioners pray that the date of their regularization should be some an earlier date i.e. from the date they have completed 240 days from the date of their initial appointment.

As submitted above, the services of the petitioners was regularized in the year 1993. The present petition has been filed after 12 years. Even the representation filed by them in this regard was in the year 2012 i.e. about 09 years. No worthwhile justification for the delay has been given in the present petition.

The petitioners merely rely upon the order passed by this Court in the case of other employees who had approached this Court well within time.

As per the law settled by a Full Bench judgment of this Court in 'Jagjit Rai Vohra versus State of Haryana and others', 1974

(2) SLR 27, the benefit of a decision cannot be granted to persons who

have slept over their rights.

In this regard the following observations in **Jagjit Rai Vohra's** case (supra) may be noticed:-

“This brings us to the question as to whether the petitioners are entitled to the benefit of the Supreme Court judgment irrespective of the fact that they have approached the Court after undue delay, and after the respondents had superseded them and worked in the higher posts for a considerable length of time. One view could have been that the moment the Supreme Court gave its decision, effect should have been given to it without considering the benefit gained under invalid executive instructions by the respondents. The other way of looking at the matter is that when the respondents superseded them and the petitioners took no action to challenge their supersession, and only woke up when the Supreme Court finally settled the matter in Shamsher Jang Shukla's case, would this Court be justified to exercise its discretion in their favour? There is a lot of literature on this aspect of the matter. The correct view seems to be that laches cannot be overlooked and each case will have to be examined to see whether a particular petitioner is or is not entitled to the relief available to him in view of the Supreme Court decision in Shamsher Jang Shukla's case (supra).”

In view of the above, finding no merit in the present petition, the same is ordered to be dismissed.

(DEEPAK SIBAL)
JUDGE

August 17, 2015
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