

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

CWP No.17688 of 2015
Date of decision: 25.8.2015

Nehru Singh

... Petitioner

versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH.

Present: Mr.Gurcharan Singh, Advocate,
for the petitioner.

...

AMOL RATTAN SINGH, J. (Oral)

Learned counsel for the petitioner relies upon the report of the learned Lokpal, Punjab, dated 19.5.2015, holding that the selection of respondents No.4 and 5 to the post of Inspector in the Department of Local Government was wholly vitiated, to the extent that even the categories in which they had applied, had been changed from general category to that of dependents of freedom fighters, whereas the said two respondents were not actually dependents of freedom fighters. He has pointed to the fact that though the role of the Chairman of the Departmental Selection Committee has been specifically castigated by the learned Lokpal, no action was recommended, in view of the judgment cited in the report itself, in Sukhdeep Kaur vs. State of Punjab and others (CWP No.1224 of 2008), decided on 9.9.2008.

Whereas the petitioner may have a very genuine grievance with regard to the selection of the aforesaid respondents No.4 and 5 in view of what has been stated in the report of the learned Lokpal, however, without

commenting upon that in the absence of records called for by this Court, this petition has to be dismissed on the short ground that the selection is of the year 2001 and the petitioner had earlier approached this Court by filing CWP No.10415 of 2013, on the same cause of action, which came up for hearing on 26.8.2013, whence the following order was passed:-

“According to the own showing of the petitioner, the selection was made in the year 2001. The petitioner has invoked the jurisdiction of this Hon'ble Court now in the year 2013. Evidently, the petition is barred by delay and laches, and therefore, the same is dismissed as such.”

The earlier petition already having been dismissed on the ground of delay and laches, the petitioner having approached this Court after 12 years, now simply on the basis of the report of the learned Lokpal, there would be no reason for this Court to entertain this petition, as no fresh cause of action has arisen to the petitioner, who seeks appointment to the post in question, upon the appointments of respondents No.4 and 5 being quashed.

The Lokpals' report, which would otherwise also be in the form of a recommendation, even if action had been recommended therein against the Selection Committee etc., may possibly be brought to the notice of the Court in public interest, which petition, if any were to be filed, would be dealt with on its own merits by the appropriate Court, as it would deem proper, with regard to any action to be taken or not, against those who allegedly acted with malafides, in making selections to the posts in question.

However, that does not help the petitioners' personal case,

seeking appointment to a post, on the basis of a selection which was made 14 years ago and the challenge to which has already been rejected by a coordinate Bench, on the ground of delay and laches, he having approached the Court, even at that stage, 12 years after the selection process was over. Thus, the Lokpal having dealt with the matter in 2015, does not explain the petitioners' own delay of more than a decade, in approaching this Court. In any case, the writ petition earlier filed by him having already been dismissed, he is precluded from approaching this Court again, on the same cause of action.

Keeping in view the above, this petition is dismissed.

25.8.2015
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(AMOL RATTAN SINGH)
JUDGE