

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

CWP No.22274 of 2015

Date of decision:16.10 2015

Harmandeep Kaur

... Petitioner

Versus

State of Punjab & ors.

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. SK Sharma Budhladawale, Advocate,
for the petitioner.

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

RAJIV NARAIN RAINA, J.(Oral)

The petitioner claims that she was appointed as a Service Education Provider in the Sarv Siksha Abhiyan Authority, Punjab in a selection process initiated in 2008. Her services were terminated on 19.8.2008 by what she calls a stigmatic letter. The complaint in this petition filed after more than 7 years of the termination is that the 4th respondent is the wife of 5th respondent's brother's son and therefore, displacement of the petitioner by appointment of 4th respondent in her place was an act of nepotism of the authority wielded by the 5th respondent, a superior officer, who has connived with the 4th respondent to put an end of the services of the petitioner. The petitioner says that she has been making repeated representations of protest and filing applications under the Right to Information Act, 2005 for supply of information, but she has been supplied only skeleton information on the selections made in the year 2008 and of the appointment of the 4th respondent as an Education Service Provider.

She also prays that a direction be issued to the respondents to hold an investigation by an independent agency and to register a criminal case against the 5th respondent for commission of crime against the petitioner because he stage-managed the ouster of the petitioner in 2008.

Be that as it may, the cause of action first accrued to the petitioner on 19.8.2008 when her services were terminated. She has been out of service then. It is well settled that where a suit is barred to claim relief the writ Court would not ordinarily interfere in writ jurisdiction. For this legal proposition see **State of Madhya Pradesh v. Bhailal Bhai**, AIR 1964 SC 1007. It is equally well settled proposition of law that repeated representations do not give rise to a fresh cause of action and the Supreme Court has dealt with aspect after noticing past dicta in **State of Uttaranchal & anr. v. Shiv Charan Singh Bhandari & ors.**, (2013) 12 SCC 179, reaffirming the old principle that filing of repeated representations alone would not extend the period of limitation. Delay and laches is a matter of prudence for a court of law to determine on facts and to answer the question as to whether the claim made by an applicant deserves consideration with the passage of time. The Supreme Court in *Bhandari* relied on its earlier dicta in **State of Tamil Nadu v. Seshachalam**, (2007) 10 SCC 137 to reaffirm the law on stale claims agitated in courts.

Stale claims and dead grievances cannot be rejuvenated in writ jurisdiction. The petition is not maintainable as it suffers from delay and laches and bar of limitation. No relief can be granted to a person twiddling toes and letting the train leave the station for another destination. If tickets have been bought for the journey and the bus is

missed the person can apply for refund.

No merit. Dismissed.

16.10.2015

monika

**(RAJIV NARAIN RAINA)
JUDGE**