

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Letters Patent Appeal No.1201 of 2015 (O&M)
Date of Decision: 01.10.2015

Balwan Singh, Head Constable No.126/RTK (now 786/RTK)
..Appellant

versus

State of Haryana and others ..Respondents

CORAM: HON'BLE MR. JUSTICE RAJIVE BHALLA
HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Dr.Suresh Kumar Redhu, Advocate,
for the appellant.

RAJIVE BHALLA, J.

C.M. No.2556-LPA of 2015

Prayer in this application is to condone delay of 156 days
in refiling the appeal.

Heard.

For reasons stated in the application and arguments
addressed, the application is allowed and delay of 156 days in refiling
the appeal is condoned.

LPA No.1201 of 2015

The appellant challenges order dated 18.12.2014
dismissing his writ petition on the ground of delay and laches.

Counsel for the appellant submits that select list dated
15.3.2004, regarding B-1 Test for the year 2003-04, prepared on the
basis of a Test held in March, 2004, is illegal and mala fide. The
appellant was deliberately failed in the Test as is apparent from the
marks awarded. The appellant was not aware of the marks or that he
had been deliberately failed. The appellant obtained information

under the Right to Information Act and thereafter filed the present writ petition. The appellant was transferred from Rohtak Range and then, ultimately, passed a lower school course after sitting in the B-1 Test from District Bhiwani and promoted on 19.6.2008. A perusal of the marks awarded reveals that the appellant was deliberately failed by awarding less marks though other candidates were awarded higher marks for the same answers. The select list dated 15.3.2004 pertaining to Rohtak Range may, therefore, be quashed.

We have heard counsel for the appellant, duly considered arguments but are not inclined to entertain the appeal, particularly as the appellant has filed the writ petition after a delay of more than 08 years after conduct of examination and the preparation of the select list. The appellant's explanation for this delay, namely, that he was posted out of Rohtak district and only came to know of the discrepancies in the marks after he obtained information under the Right to information Act, cannot be accepted as the appellant was all along, working in the police department and in case he had any grievance, could have easily filed a representation/writ petition within reasonable time of the declaration of the result and preparation of the select list.

Consequently, finding no merit in the appeal, the impugned order is affirmed and the appeal is dismissed.

(RAJIVE BHALLA)
JUDGE

(REKHA MITTAL)
JUDGE

01.10.2015

VK