

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA
AT CHANDIGARH

LPA No.1499 of 2015 (O&M)

Date of decision: December 18, 2015.

NEHRU SINGH

... **Appellant**

v.

STATE OF PUNJAB AND OTHERS

... **Respondents**

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

CORAM: **HON'BLE MR. JUSTICE HEMANT GUPTA**
HON'BLE MRS. JUSTICE RAJ RAHUL GARG

Present: Shri Gurcharan Singh, Advocate, for the appellant.

Hemant Gupta, J. (oral)

The present Letters Patent Appeal under Clause X of the Letters Patent is directed against an order passed by a learned Single Bench of this Court on 25.8.2015 whereby the writ petition filed by the appellant was dismissed.

The appellant has challenged an order passed by the Lok Pal, Punjab on 19/20 May, 2015 and also sought a writ of mandamus directing the official respondents to consider candidature of the appellant for the post of Senior Assistants/Inspector (Code 08) against the freedom fighters category.

We find that the present writ petition and the appeal are wholly abuse of process of law. The appellant was a candidate for one of the posts in the Municipal Corporation/Municipal Council, Nagar Panchayat

advertised in the year 1998. The appellant was not selected and instead respondents No.4 and 5 were selected as the dependents of freedom fighters category. The appellant filed a complaint before the Lok Pal, Punjab levelling allegations of malpractice in the conduct of selection process. It is the said complaint which has been declined by the learned Lok Pal on the ground that the selection committee is headed by a public servant and, therefore, in view of Division Bench judgment of this Court in CWP No.1224 of 2008 (Sukhdeep Singh v. State of Punjab and others), he has no option but to dismiss the complaint as the jurisdiction under the said act is against Public Man only. The departmental selection committee was headed by a civil servant, therefore, no action can be taken in the said complaint.

Apart from the said fact, the selection was finalized in the year 2001. The appellant earlier challenged the selection process in a writ petition in the year 2013 which was dismissed on 26.8.2013 when 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 writ petition leading to the present LPA was filed after the report of the Lok Pal was given on the ground that it confers fresh cause of action for him. We find that once the writ petition was dismissed on account of delay and laches, the order of the Lok Pal would not confer any fresh cause of action as jurisdiction of the Lok Pal is only in respect of conduct of public men and that the Lok Pal has no jurisdiction to set aside the selection

process or to appoint an aggrieved candidate. The invocation of jurisdiction of this Court even after the dismissal of earlier writ petition is gross abuse of process of law. Consequently, the writ petition has been rightly dismissed.

Since the appellant insisted on addressing arguments, we find that process of law cannot be permitted to be misused in the manner adopted by the appellant. Consequently, the present Letters Patent Appeal is dismissed with costs of Rs.10,000/- which should be deposited within a period of two months with the Punjab Legal Aid Services Authority.

[Hemant Gupta]
Judge

[Raj Rahul Garg]
Judge

December 18, 2015.
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