

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

LPA No.572 of 2015 (O&M)

Date of Decision:- July 16, 2015

Om Parkash

.....Appellant

Versus

State of Haryana and others

.....Respondents

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL
HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present:- Mr. S.S. Shekhawat, Advocate
for the appellant.

SATISH KUMAR MITTAL, J.

This intra-court appeal under Clause X of the Letters Patent has been filed against the order dated 15.01.2015 passed by the learned Single Judge, whereby the writ petition (C.W.P. No.5740 of 2013) filed by the appellant for quashing of the order dated 24.01.2013 rejecting his claim for regular appointment against the posts reserved for Physically Handicapped, has been dismissed on the ground of delay and laches.

We have heard the learned counsel for the appellant and gone through the impugned order.

In the present case, vide appointment letter dated 21.10.1987 the appellant was appointed on adhoc basis on the post of Statistical Assistant reserved for physically handicapped person. After his appointment, on 16.12.1987 the appellant gave a representation to the

respondents that in view of Haryana Government notification dated 20.9.1983, he ought to have been appointed on regular basis instead of adhoc basis. The said representation was rejected and conveyed to the appellant vide letter dated 12.1.1988, but the appellant did not challenge the said order. Thereafter, the services of the appellant were regularized vide letter dated 25.10.1991 with effect from 1.1.1991, which was later on modified as 31.12.1990 instead of 1.1.1991. At that time also the appellant did not make any grouse that he should have been regularized with effect from the date of his initial appointment. In the year 1992 the Department of Social Welfare was bifurcated into two departments, namely, Social Justice and Empowerment and Department of Women and Child Development. The services of the appellant were allocated to the Department of Women and Child Development. In the year 1994 though the appellant made a representation to consider his claim for regularization with effect from 21.10.1987 but he did not approach any court of law. Thereafter in the year 2012 he again sent representation which was rejected by the authorities on 24.1.2013. The appellant then challenged the said order by filing the aforesaid writ petition.

In our view, the cause of action arose to the appellant in the year 1988 and he should have challenged the order of rejection of his representation within a reasonable time. Merely, filing a subsequent representation in the year 2012 is of no consequence. The contention raised on behalf of the appellant that he was not conveyed the order dated 12.1.1988 rejecting his representation dated 16.12.1987, cannot be accepted. In these facts, in our view the learned Single Judge has rightly dismissed the writ petition of the appellant which was filed after more than 25 years of the

accrual of the cause of action.

In view of the aforesaid, we do not find any merit in the appeal
and the same is hereby dismissed.

(SATISH KUMAR MITTAL)
JUDGE

July 16, 2015
vkg

(HARINDER SINGH SIDHU)
JUDGE