

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Letters Patent Appeal No.740 of 2015 (O&M)

Date of Decision: July 15, 2015

Rajesh

.....Appellant

versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.
HON'BLE MR.JUSTICE P.B.BAJANTHRI.

Present: Mr.Devinder Singh, Advocate, for
Mr.S.K.Verma, Advocate, for the appellant.

:-

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

Surya Kant, J. (Oral)

This letters patent appeal assails the order dated 04.11.2014 whereby learned Single Judge has dismissed the appellant's writ petition on the ground of inordinate delay and laches.

To appreciate the controversy, suffice to mention that the appellant was recruited as a Constable in Haryana State Industrial Security Force. The services of such Constables were dispensed with apparently in phased manner. The appellant's services were dispensed with on 03.05.2006. The action of the State Government was challenged by some of the similarly placed Constables through CWP No.248 of 2006 (Sanjay Kumar and others versus State of Haryana and others) which came to be dismissed vide order dated 09.01.2006. Special Leave Petition filed in the Hon'ble Supreme Court was

also dismissed on 12.05.2006. The services of appellant though were dispensed with on 03.05.2006 but he chose not to challenge that order till 2012 when he served the respondent-authorities with a legal notice. He then filed writ petition bearing CWP No.7703 of 2012 which was disposed of vide order dated 26.04.2012 with a direction to take decision on the appellant's legal notice. The claim contained in the legal notice was turned down on 18.09.2012 against which the second writ petition was filed.

As the facts would speak for themselves, the cause of action accrued to the appellant on 03.05.2006. The belated representation or legal notice served on his behalf in the year 2012 did not and could not have revived the cause of action. Rejection of that legal notice under the directions of this Court also does not mean that the interregnum period stood overlooked. In these circumstances especially when the fate of other similarly placed Constables has also been sealed upto the highest Court of land, the order passed by learned Single Judge calls for no interference.

Dismissed.

[SURYA KANT]
JUDGE

July 15, 2015
mohinder

[P.B.BAJANTHRI]
JUDGE

CM Nos.1525 and 1526 of 2015 in
LPA No.740 of 2015

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Rajesh versus State of Haryana and others

Present : Mr.Devinder Singh, Advocate, for
Mr.S.K.Verma, Advocate,
for the applicant-appellant.

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Since the main appeal has been decided on
merits, no separate order is required to be passed on these
applications for condonation of delay in filing and re-filing the
appeal.

(SURYA KANT)
JUDGE

July 15, 2015
mohinder

(P.B.BAJANTHRI)
JUDGE