

CWP No. 10211 of 2014

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

**CWP No. 10211 of 2014
Date of Decision : 05.12.2016**

Commando Constable Jaivir

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. G.S. Gopera, Advocate for the petitioner.

Mr. Harish Rathee, Senior Deputy Advocate General, Haryana.

Anupinder Singh Grewal, J.(Oral)

This petition impugns the order dated 11.12.2013 (Annexure P-6) passed by respondent No. 2, whereby representation of the petitioner for according him deemed date of appointment from the date when his juniors have been appointed, has been rejected.

The petitioner had applied for appointment to the post of Commando Constable in pursuance to Advertisement issued by the respondents in the year 2003. The selection process is stated to have been completed in the year 2003 and the petitioner's name was in the list of successful candidates. However, the petitioner was denied appointment due to pendency of a criminal case against him. The petitioner had preferred CWP No. 8288 of 2004, wherein a Division Bench of this Court on 21.07.2005 had directed the respondents to give him appointment within a period of three months. In compliance with the directions of the Division

Bench, the petitioner was appointed as Constable on 27.10.2005.

Learned counsel for the petitioner has contended that the petitioner should be appointed w.e.f. 31.05.2003 as has been directed in the case of a similarly situated person, namely, Bhoop Singh in CWP No. 18719 of 2004, decided on 12.09.2012.

Per contra, learned State counsel states that the case of the petitioner is different from the case of Bhoop Singh as in that case a co-ordinate Bench of this Court had directed that he shall be appointed from the date, when candidate lower in merit to him was appointed.

I have heard learned counsel for the parties.

It is apparent that the petitioner had earlier been denied appointment on the ground of pendency of a criminal case against him. He had preferred a writ petition i.e. CWP No. 8288 of 2004, which was disposed of with the following direction :-

“We accordingly dispose of this writ petition with a direction to the respondents to give him appointment within a period of three months from the date that a certified copy of this order is supplied to them.”

In compliance of the direction of this Court, the petitioner was appointed as Constable on 27.10.2005. The petitioner did not lay challenge to the action of the respondents in appointing him w.e.f. October, 2005 till the filing of this petition in the year 2014 except preferring a representation dated 03.09.2013 (Annexure P-5) to the respondents in this regard. The petitioner had been appointed w.e.f. 27.10.2005 in pursuance to the direction of this Court. The matter regarding the date of appointment of the

petitioner had attained finality after passing of order dated 27.10.2005 and the petitioner had also acquiesced thereto by remaining silent till the filing of the instant petition. Mere representation to the respondents in this regard in the year 2013, cannot come to his rescue, inasmuch as the matter which had been settled almost a decade ago, cannot be re-agitated by preferring another writ petition.

Consequently, the petition being devoid of any merit stands dismissed.

December 05, 2016.

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(ANUPINDER SINGH GREWAL)
JUDGE

Whether speaking/reasoned?	Yes
Whether reportable?	No