

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.18496 of 2012
Decided on : 19.05.2016

Raj Kumar

... Petitioner

Versus

State of Punjab & another

... Respondents

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present : Mr.S.K.Bawa, Advocate, for the petitioner.

Mr.Avinit Avasthi, AAG, Punjab.

Mr.A.K.Bazaz, Advocate, for respondent No.2.

G.S. Sandhawalia, J. (Oral)

Petitioner seeks decision on legal notice dated 30.05.2012 (Annexure P15), on the strength of an appointment letter dated 16.05.2001 (Annexure P2).

It is the case of the petitioner that in the year 2011, he was informed that he was not working in the Corporation and at that point, he came to know that one Ramesh Kumar @ Mesha has been working against him since the year 1998. This fact would be clear from the representation submitted by the petitioner himself on 22.02.2011 (Annexure P3). Accordingly, action was sought against the said person and the petitioner sought enforcement of his appointment letter.

The respondents, in their reply, have taken the plea that there was a fraud and the petitioner-Raj Kumar, who is son of Lal Chand, had handed over his appointment letter to one Raj

Kumar, son of Dhanna Ram, who was working against him. Accordingly, response dated 23.08.2012 (Annexure R2) was made to the legal notice, which is, now, sought to be decided and the plea taken by the respondent-Corporation is that a wrong joining had been made because appointment letter had been passed on to Raj Kumar son of Dhanna Ram, by the petitioner. It is not disputed that in pursuance of the request of the respondent/Corporation, even FIR No.59 dated 12.05.2016 against Ramesh Kumar @ Mesha has been lodged, which would be clear from the short affidavit of Shri Dev Dutt Sharma, Assistant Commissioner of Police, placed on record, today.

The above facts would go on to show that disputed questions of fact are arising as to who was working against the appointment letter which the petitioner is seeking enforcement of. In such circumstances, this Court does not feel that it is a fit case to interfere, involving the enforceability of the appointment letter. *Prima facie*, this Court is of the opinion that if the petitioner was in service since the year 2001, he would have come to this Court for enforcement of his rights much earlier than at this belated stage, after a decade. Obviously, this Court has been approached on account of the fact that the said post, which was initially on contractual basis, was to be regularized and therefore, on seeing the window opening for regular post, the jurisdiction of this Court

has been invoked, seeking the alleged legal rights. The jurisdiction of this Court cannot be invoked for such dishonest litigation.

Resultantly, the present writ petition is, hereby, dismissed. However, nothing said herein shall affect the merits of the case in the criminal proceedings which have been launched now by the State.

MAY 19th, 2016
sailesh

(G.S. SANDHAWALIA)
JUDGE