

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

CWP No. 19127 of 2015 (O&M)

Date of decision: 15.01.2016

Dhaninder Jit Singh

....Petitioner(s)

Versus

State of Punjab and others

...Respondent(s)

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

Present: Mr. H.C.Arora, Advocate for the petitioner.

G.S.SANDHAWALIA, J. (Oral)

CM-16137-2015

Application for placing on record the policy of appointments on compassionate grounds as Annexure P5, is allowed. Same is taken on record, subject to just exceptions. Office to tag the same at appropriate place.

Main case

Petitioner seeks a declaration by way of writ of *quo warranto* for declaring the appointment of respondent No.5 as Clerk on compassionate grounds with the respondent-Board void. All consequential step-ups, promotions, earned by the said respondent are challenged on the basis of an enquiry report dated 22.10.2012, submitted by the Joint Secretary-cum-Enquiry Officer of the Board and the order dated 24.03.2014 (Annexure P4) whereby the enquiry report has been rejected by the Secretary of the Board has also been challenged.

It is not disputed that the said respondent was appointed on compassionate ground as a Clerk on 27.07.1998. The petitioner was appointed in the year 1993 on ad hoc basis. The said respondent was, thereafter, posted as a Project Officer on 17.03.2005 and thereafter, promoted on 24.03.2008 as a Senior Project Officer. Thereafter, he was appointed as a Subject Expert (Computer) on 24.09.2008. These appointments were challenged by the petitioner himself by filing CWP-

17256-2011, which was dismissed on the ground of delay on 15.09.2011. The petitioner, thereafter, filed LPA-2283-2011, which was also dismissed on 27.03.2012 (Annexure P3). Thus, the petitioner lost the challenge which he had raised to the service benefits which have been earned by the said respondent.

However, not satisfied in losing the first round of litigation, he preferred CWP-12615-2013, which he withdrew on 03.08.2015, due to the passing of the order dated 24.03.2014 and now, has preferred the present writ petition.

Counsel for the petitioner has pointed out from the enquiry report on the basis of which respondent No.5 was castigated on account of having taken the compassionate appointment by concealment of facts, which was in violation of the policy pertaining to compassionate appointment.

In the considered opinion of this Court, the *locus standi* of the petitioner to question the appointment of respondent No.5, at the belated stage, after a period of more than 12 years, is not justified, especially on his account, at least, keeping in view the fact that he has already been unsuccessful earlier in challenging the subsequent promotion orders and the appointments made of respondent No.5 on various posts, as noticed above. In such circumstances, the petitioner cannot, now, on fresh grounds, challenge the appointment by filing the present writ petition, having been unsuccessful in the first round of litigation. Accordingly, the present writ petition is dismissed in limine. However, it is made clear that this Court has not made any comments on the appointment of respondent No.5 that whether it was valid or vitiated by fraud.

15.01.2016
sailesh

(G.S. SANDHAWALIA)
JUDGE