

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

CWP-17482-1997

Date of Decision: 01.11.2017

Rajeshwari Yadav and othersPetitioners

Vs.

State of Haryana and othersRespondents

2. CWP-12743-1998

Rajnish Hans and anotherPetitioners

Vs.

The State of Haryana and othersRespondents

3. CWP-851-1998

Jagpal Singh and othersPetitioners

Vs.

State of Haryana and othersRespondents

CORAM : HON'BLE MR.JUSTICE AMOL RATTAN SINGH

Present: Mr. Sankalp Sagar, Advocate
for the petitioners (in CWP-17482-1997).

Mr. C.M.Chopra, Advocate,
for the petitioners (in CWP-12743-1998)

None for the petitioner (in CWP-851-1998)

Mr. Hitesh Pandit, Add. A.G.Haryana.

Mr. Mohd.Arshad, Advocate
for respondent No.7.

AMOL RATTAN SINGH, J. (Oral)

Mr. C.M. Chopra and Mr. Sankalp Sagar, Advocates

appearing for the petitioners in these two cases, submit that though they have tried their best, they have not been able to contact the petitioners.

Vide an order dated 09.10.2017, learned counsel for the petitioners were asked to take instructions as to whether the petitioners are still interested in pursuing these petitions, filed in the year 1997-1998, challenging the appointment of the private respondents to the posts of JBT teachers.

Consequently, there being no stay operating on the appointment of the private respondents and 20 years having gone by, with the petitioners not contactable, in the opinion of this Court the cause of action would generally not survive, even though it is not the fault of the petitioners that the petition has continued to remain pending.

This would be for the reason that those selected in the year 1997 have already put in more than 20 years of service. To dislodge them at this stage, to substitute them by the petitioners even if they eventually are found to have a good case on merits, in the opinion of this Court, would not be appropriate.

Consequently, these petitions are disposed of at this stage without being adjudicated upon merits, with liberty to the petitioners to file appropriate applications for their revival, if they can show that cause of action still survives to them 20 years later.

A photo copy of this order be placed on the files of other connected cases.

November 01, 2017

dharamvir

(Amol Rattan Singh)
Judge

Whether speaking/reasoned : YES/NO
Whether Reportable : YES/NO