

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

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CWP-7060-1998 (O&M)
Date of decision: 27.03.2017

Mrs. Sheelu

....Petitioner

Versus

State of Haryana and others

.... Respondents

CORAM: Hon'ble Mr. Justice P.B. Bajanthri

Present: None for the petitioners.

Mr. Hitesh Pandit, AAG, Haryana.

Mr. H.N.Mehtani, Advocate for the respondents.

P.B. Bajanthri, J. (Oral)

In the instant writ petition, the petitioner has prayed for the following relief:-

(i) a writ in the nature of mandamus may kindly be issued in favour of the petitioner and against the respondents directing the respondent Nos. 1 & 2 to appoint the petitioner on the post of Assistant Excise & Taxation officer reserved for physically handicapped persons in terms of the Govt. Policy dated 24.01.1991 (Annexure P/2), more particularly in view of the fact that vide order dated 26.08.96 passed by the Respondent No. 2 (Annexure P/6), it has been found that out of 29 posts of Asstt. Excise and Taxation Officers advertised vide Annexure P/3, one post comes to the share of Physically

handicapped persons.

(ii) a writ in the nature of mandamus may kindly be issued in favour of the petitioner and against the respondents directing the respondents to release all consequential benefits including arrears of salary, seniority etc. with effect from the date the petitioner has become entitled for appointment to the post of Assistant Excise & Taxation officer under the reserved category of physically handicapped.

(iii) a writ in the nature of prohibition may kindly be issued in favour of the petitioner and against the respondents directing the respondents not to discriminate the petitioner in the matter of appointment to the post of Assistant Excise & Taxation Officer in a wholly arbitrary and discriminatory manner in violation of Articles 14 & 16 of the Constitution of India as also in disregard to the Govt. Reservation Policy dated 24.1.91 (Annexure P/2);

2. Undisputedly the respondents have notified Allied Services for the State of Haryana for various posts. For the post of Assistant Excise & Taxation Officer 29 posts were earmarked and none of the post was earmarked for physically handicapped person. The last date for submission of application is being 24.12.1992. The petitioner who claims that the official respondents have failed to notify vacancies for physically handicapped persons for the post of Assistant Excise & Taxation officer, in this regard for the first time, the petitioner is stated to have submitted representation on 25.04.1996. Thereafter, on 13.08.1997 and 24.10.1997 representations were submitted. Whereas, the process of recruitment commenced in the year 1992 and was completed in the month of March,

1996 i.e. prior to submission of representation by the petitioner. The Supreme Court time and again held insofar as selection and appointment if any person is aggrieved, he must approach within the reasonable period i.e. before commencement of process of selection or during the process of selection. Since the petitioner has filed this present petition only on 03.05.1998 much after publication of result in the month of March, 1996 therefore, on the ground of delay and laches on the part of the petitioner in questioning the non-reserving vacancy to physically handicapped persons against the post of Assistant Excise and Taxation Officer is hereby rejected.

27.03.2017

pooja saini

**(P.B.BAJANTHRI)
JUDGE**

Whether speaking/reasons

Yes/No

Whether Reportable:

Yes/No