

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-11833-2017

Date of decision: 26.05.2017

Bhullan Singh

..... Petitioner

Versus

State of Haryana and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

PRESENT: Ms. Minakshi Poswal, Advocate for the petitioner.

RAMENDRA JAIN, J.

1. The petitioner has approached this Court under Articles 226/227 of the Constitution of India, for issuance of a Civil Writ Petition in the nature of Certiorari seeking quashing of the order dated 31.08.2010 (Annexure P-1), whereby the services of the petitioner were dispensed with. Further, a direction has been sought to direct the respondents to consider the services of the petitioner as a regular employee and to grant him service benefits.

2. Briefly stated, the petitioner joined the respondent-Department on 25.08.1980 as Clerk-cum-Typist in terms of appointment letter dated 20.08.1980 (Annexure P-2). The services of the petitioner were dispensed with vide letter No. 342/Estt. dated 21.10.1980. Thereafter, the petitioner had filed CWP No. 3457 of 1980. During the pendency of said writ petition, the earlier order dated 21.10.1980, dispensing with the services of the petitioner was withdrawn vide order dated 16.11.1980 and the petitioner

had again joined the respondent-Department on 01.12.1980. Further,

another letter was issued by the Haryana Government to the effect that the clerks who had completed two years service as on 30.09.1981 should be kept in service, till the regular employees joined the service. Though, the petitioner was working with the respondent-department since 25.08.1980, but was not allowed to work after 09.12.1981 and his services were dispensed with. The petitioner had moved various representations before the respondent-Department, but the respondents have not considered the case of the petitioner and ultimately, he was not allowed to join. Thereafter, the petitioner moved an application dated 23.04.2010, which was declined vide order dated 31.08.2010 (Annexure P-1). Hence, the present petition.

3. I have heard learned counsel for the petitioner and perused the paper-book.

4. As per own case of the petitioner, he was not allowed to work after 09.12.1981, on which date, his services were dispensed with. Thereafter, the petitioner moved an application dated 23.04.2010, which was declined vide the order impugned herein.

5. Since, the petitioner did not raise any grouse against dispensation of his service vide order dated 09.12.1981, by adopting any legal recourse and challenged the impugned order dated 31.08.2010 (Annexure P-1) till date at any point of time earlier to the instant writ petition filed on 24.05.2017, therefore, he is not entitled to any relief even under equity on account of delay and laches. Even otherwise, if the claim of the petitioner was genuine, he would not have kept quite for a considerable time right from the year 1981, rather must have adopted some legal recourse for the redressal of his grievance.

6. Since, the petitioner, after awakening out of a great slumber,

has filed this petition after seven years from the date of rejection of his representation and 36 years after dispensation of his service, therefore, the instant writ petition is not maintainable on account of grave delay and latches and the same is dismissed as such.

May 26, 2017
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(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No