

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP No.17364 of 2017 (O&M)
Date of Decision: 08.08.2017

Kulwant Rai

--Petitioner

Versus

State of Punjab and others

--Respondents

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Ms. Himani Kapila, Advocate for the petitioner.

TEJINDER SINGH DHINDSA.J

The instant petition has been filed assailing the action of the respondent Home Department, State of Punjab in having replaced the petitioner by another contractual employee. A Writ of Mandamus is sought to direct the respondents to permit the petitioner to continue on the post in question, consider his case for regularization as and when the sanctioned post of Sweeper is created and to release to him the minimum pay scale of the post.

In the considered view of this Court, the prayers noticed herein above cannot be accepted.

Counsel for the petitioner, during the course of arguments, has submitted that the petitioner was engaged as Sweeper at Police Station, Kalanaur on 15.3.2001. As per counsel service of petitioner on the basis of oral instructions were dispensed with on 23.3.2007. Apparently, petitioner filed a suit for declaration but the same was dismissed. Appeal before the 1st Appellate Court is stated to have been withdrawn.

Even though, the submissions on the factual aspect advanced by the counsel are not substantiated by relevant material/documents on

record, still, taking the same to be correct at the face value, no interference is called for.

Petitioner's service, if at all, were dispensed with in the month of March, 2007. More than 10 years have elapsed since.

Petitioner is attempting to raise a highly belated claim.

Writ petition is dismissed on the ground of delay and laches.

(TEJINDER SINGH DHINDSA)
JUDGE

08.08.2017

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Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No