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

Civil Writ Petition No.17901 of 2017

Date of decision: 11.08.2017

Kuldeep Kumar Verma

...Petitioner

Versus

Union Territory, Chandigarh and others

...Respondents

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

Present: Mr. J.P.Bhatt, Advocate for the petitioner.

G.S.SANDHAWALIA, J. (Oral)

Admittedly, challenge is to the order dated 8.9.2009 (Annexure P/11) whereby the claim for compassionate appointment has been declined in pursuance of orders passed by this Court on 4.5.2009 wherein it was directed to decide the representation dated 6.4.2009 within a period of three months.

A period of more than 8 years have gone by. The Apex Court has repeatedly held that purpose of compassionate appointment is only to tide over the extreme exigencies which the family might face on account of the death of bread-winner and the compassionate appointment is not a normal source of recruitment. In the present case, the death of the employee took place on 14.8.1999 while working as Chowkidar. At this belated stage after a period of 18 years this Court is not inclined to interfere keeping in view the judgments of the Apex Court in *Umesh Kumar Nagpal Vs. State of Haryana & others (1994) 4 SCC 138* followed by *Haryana State Electricity Board v. Naresh Tanwar and Another (1996) 8 Supreme Court*

Cases 23, Shreejith L. v. Deputy Director (Education) Kerala and Others (2012)7 Supreme Court Cases 248 and Union of India and others Vs. Sima Banerjee 2017(1) RSJ 351. The said view has been followed in Union of India and others Vs. Sima Banerjee 2017(1) RSJ 351.

In the said cases, it has been held that compassionate appointment is only to tide over the extreme exigencies which the family might face on account of the death of bread-winner. In the present case it seems that there was never any such exigency. Therefore, this Court is not inclined to interfere at this belated stage and even the impugned communication has been challenged after a period of 8 years. It is settled principle that law protects the ones who are vigilant and do not sleep over their rights.

The Hon'ble Apex Court in ***Pundlik Jalam Patil (D) by LRs. vs. Exe. Eng. Jalgaon Medium Project and another, 2009 (1) PLR 128*** has observed as under:-

“14.....The applicant having set the machinery in motion cannot abandon it to resume it after number of years because the authority with whom it had entered into correspondence did not heed to its request to file appeals. The question is : Can the respondent/applicant in this case take advantage of its negligence, after lapse of number of years, of the decision of Government? It knew the exact grounds on which appeals could have been preferred. The law will presume that it knew of its right to file appeal against the award. Everybody is presumed to know law. It was its duty to prefer appeals before the court for consideration which it did not. There is no explanation forthcoming in this regard. The evidence on record suggest neglect of its own right for long time in preferring appeals. The court cannot enquire into belated and stale claims on the ground of equity. Delay defeats equity. The court helps those who are vigilant and `do not

slumber over their rights.'

xxx xxx xxx xxx xxx

18. Shri Mohta, learned senior counsel relying on the decision of this court in [N. Balakrishnan vs. M. Krishnamurthy](#) [(1998) 7 SCC 123] submitted that length of delay is no matter, acceptability of explanation is the only criterion. It was submitted that if the explanation offered does not smack of mala fides or it is not put forth as part of dilatory tactics the court must show utmost consideration to the suitor. The very said decision upon which reliance has been placed holds that the law of limitation fixes a life span for every legal remedy for the redress of the legal injury suffered. Unending period for launching the remedy may lead to unending uncertainty and consequential anarchy. The law of Limitation is thus founded on public policy. The decision does not lay down that a lethargic litigant can leisurely choose his own time in preferring appeal or application as the case may be. On the other hand, in the said judgment it is said that court should not forget the opposite party altogether. It is observed:

It is enshrined in the maxim interest reipublicae up sit finis litium (it is for the general welfare that a period be put to litigation). Rules of limitation are not meant to destroy the rights of the parties. They are meant to see that parties do not resort to dilatory tactics but seek their remedy promptly. The idea is that every legal remedy must be kept alive for a legislatively fixed period of time.”

Accordingly, there is no merit in the present writ petition and same is hereby dismissed in limine.

August 11, 2017
Pka

(G.S.SANDHAWALIA)
Judge

Whether speaking/reasoned

Yes/No

Whether reportable:

Yes/No