

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 6249 of 2017

Date of Decision: 27.03.2017

PARDEEP KUMAR & ANR.

...Petitioners

Vs.

UNION OF INDIA & ANR.

...Respondents

CORAM:- HON'BLE MR.JUSTICE RAJIV NARAIN RAINA

**Present: Mr. Arvind Kashyap, Advocate,
for the petitioners.**

RAJIV NARAIN RAINA, J. (Oral)

1. By way of this petition challenge is to non-appointment in a selection process advertising vacancies by employment notice issued in 2012 called Combined Armed Police Forces and Selection for recruitment of Constables (General Duty) and Rifleman (General Duty) in Assam Rifles. The petitioner were aspirants to posts in Assam Rifles.

2. The final result of written examination was declared in October, 2012. The first petitioner is a member of Scheduled Caste while the second is a member of Other Backward Classes and had applied in the respective reserved quota. They claim that in the year 2017 that they had provisionally qualified the examination but did not find their names in the selection list. The petitioners did not flex a muscle to seek legal address or assert their perceived infraction of rights, if any, till March, 2016 when they approached a counsel for advice and they were advised to move an application under the Right to Information Act, 2005 to the authorities for suppling information regarding the selection. Such an application was made on March, 2016 after 4 years of the selection.

3. This petition has been filed after inordinate delay in a selection matter when all the posts have been filled years ago and the selection process has become a dead ball. There is no explanation for laches in the petition or what kept them back even when they were empowered in 2012 to seek information under the Right to Information Act, 2005. There is not even a representation placed on record addressed to the recruiting agency bringing any grievance to their notice and, therefore, the claim raised in this petition is stale and dead and not open to be revived in writ proceedings when the claim suffers from inordinate delay, laches and bar of limitation in case a suit were filed on the same cause of action, the same would inevitably have been dismissed as barred by law.

4. For these reasons, I would refuse to entertain the petition in jurisdiction under Article 226 of the Constitution of India.

Dismissed.

(RAJIV NARAIN RAINA)

JUDGE

27.03.2017

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Whether speaking/reasoned

Yes

Whether reportable

No