

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

CWP-6661-2017

Date of decision : 30.03.2017

Bikramjit singh

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM : HON'BLE MS. JUSTICE JAISHREE THAKUR

Preent : Mr.Surmukh Singh, Advocate,
 For the petitinoer.

JAISHREE THAKUR, J.

1. The instant writ petition has been filed seeking to quash impugned order dated 23rd December 2016 whereby claim of the petitioner for fixing the seniority in the Masters cadre as has been given to respondent No.6 and consequential benefits as per the rank, has been declined.

2. In brief, the facts are that the petitioner applied for the post of school Teacher pursuant to an advertisement issued in the newspapers dated 19.08.1992. The petitioner appeared before the Selection Committee at Ropar under Roll No.303-M whereas respondent No.6 also applied under the same advertisement with Roll No.22 (S.C.) from District Faridkot. After the interviews, a merit list was displayed on the notice board of the department on 18.01.1994. Respondent No.6 was selected and given an appointment by appointment letter dated 31.01.1994. However as the State appointed 7737 candidates against the sanctioned posts of 2461, over and above the number of advertised posts, the selection was challenged through

CWP No.5985 of 1994 titled as **Yashwinder Singh Rana Vs. State of Punjab**, which was disposed of by the Division Bench of this court with directions that selection and appointment of candidates should be made upto the number of posts advertised; to publish the list of candidates subject-wise in the newspapers; to take up the cases of such candidates, who did not possess the requisite qualifications and to pass order according to law; and to take up the cases of persons appointed against post which became available after issuing of the advertisement and to pass appropriate orders according to law. In response to the revised merit list, appointment letter dated 09.01.1995 was issued to the petitioner. The petitioner herein is aggrieved that respondent No.6 was issued an appointment order dated 31.01.1994 even though his serial / rank is lower than him. He approached the department concerned for refixing his seniority by claiming that respondent No.6 was junior to him. The said representation was rejected by the impugned order.

3. I have heard learned counsel for the petitioner and I am of the firm opinion that the writ petition deserves to be dismissed on account of delay and laches. Without going into the much detail, it is to be noted that the appointment letter was issued to respondent No.6 as far back as 31.01.1994 and the appointment order issued to the petitioner on 11.01.1995. If the petitioner had any grievance, whatsoever, it arose in the year 1995 itself. After having joined the service, the petitioner has been promoted on the basis of the seniority-cum-merit in August, 2010. It appears, even then no grievance was made and the first agitation seems to that had been made in the year 2015 by serving a legal notice. Therefore,

the writ petition is hit by the doctrine of delay and laches. The petitioner has set on the fence for more than 20 years. Even otherwise, on merits, there is no infirmity in the impugned order that has been passed which notes that appointment letter could not be issued before he had been selected. The petitioner was appointed by the Selection Committee on 28.11.1994 and appointment letter was issued to him thereafter. Respondent No.6 was appointed much prior in time and, therefore, the claim of the petitioner to be treated as senior to respondent No.6 was rightly dismissed.

4. In view of the above, the writ petition is hereby dismissed.

30.03.2017

Satyawar

**(JAISHREE THAKUR)
JUDGE**

Whether speaking/reasoned
Whether reportable

Yes.
No.