

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Letters Patent Appeal No.356 of 2017 (O&M)

Date of Decision: March 08, 2017

Jagat Bahadur

.....Appellant

versus

Parsar Bharti (Broad Casting Corporation of India) and another

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE SUDIP AHLUWALIA.

Present: Mr.Piyush Kant Jain, Advocate, for the appellant.

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Surya Kant, J. (Oral)

This intra-court appeal assails the order dated 01.02.2017 vide which the learned Single Judge has dismissed the appellant's writ petition, seeking a direction for his appointment to the post of Mali on the basis of selection made on 16.07.1998. The writ petition seeking appointment was filed in January, 2017.

[2] All India Radio at Chandigarh requisitioned names from the Employment Exchange for selection to the post of Mali. Names of 16 candidates were received on 10.07.1998 out of whom appellant was short-listed and was informed vide letter dated 16.07.1998 that he was selected for the said post. No appointment letter was, however, issued to him. The appellant was informed that there was a ban on recruitment and the higher-authorities have objected to the very initiation of selection process, hence, no appointment could be made.

[3] The appellant is claimed to have received some secret information, on the basis of which he applied under the Right to Information

Act on 16.12.2016, namely, after 18 years and then he came to know that the ban on recruitment was for a short duration and it was lifted after a few days of his selection. Armed with this information, the appellant represented the department for his appointment but such claim having been turned-down, he approached this Court and the learned Single Judge vide the order under appeal has dismissed his writ petition.

[4] We have heard learned counsel for the appellant at a considerable length who relies upon the Constitution Bench judgment in Shankarsan Dash versus Union of India (1991) 3 SCC 47 to contend that the public authorities can not deny appointment to a selected candidate for arbitrary and whimsical reasons.

[5] Having given our thoughtful consideration to the submission, we do not find any merit therein. No selection remains valid or can be revived after a long spell of 18 years. The appellant made no efforts within a reasonable time to approach the respondent-authorities and find out the cause of his non-appointment. Having slept over the matter for almost two decades, the appellant cannot be permitted to rake up a dead issue at this belated stage.

[6] No case to interfere with the order under appeal is made out.

[7] Dismissed.

[SURYA KANT]
JUDGE

March 08, 2017
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[SUDIP AHLUWALIA]
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No