

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

1. CWP No.21993 of 2015

Narinder Kumar and others ... Petitioners

Vs.

Union of India and others ... Respondents

2. CWP No.1436 of 2016

Sanjeev Kumar ... Petitioners

Vs.

Union of India and others ... Respondents

Date of Decision:16.01.2018

CORAM : HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present : Mr. D.S. Kahlon, Advocate for the petitioners.

Mr. Indresh Goel, Advocate for the respondents.

P.B. BAJANTHRI J. (Oral)

By this common judgment, both the aforementioned writ petitions shall be decided together as issue is identical in both these cases. For the sake of convenience, facts are being taken from CWP No.21993 of 2015. In the instant writ petition, petitioners have prayed for the following relief:

“ii. Issuance of writ in the nature of Mandamus for directing the respondents to provide the job to petitioners, as the petitioners have been duly declared the fit for the employment of the 49898 constable (GD) and Rifleman Vacancies 2012, as per the recruitment held by the respondents in the notification dated 03.12.2011, in the interest of justice, otherwise irreparable loss would be caused to the petitioners.

iii. Further prayed that the specific directions may kindly be issued to the respondents to give the appointment letter to the petitioners expeditiously as they have fully eligible for the post of constable by passing the all the recruitment proceedings of the respondents.”

Petitioners are candidates for the recruitment to the post of Constable (GD) and Rifleman with reference to the advertisement issued in the year 2012. Process of selection and appointment were completed in the month of August 2012 whereas petitioners have presented this petition in the month of October 2015. Thus, there is inordinate delay in presenting this petition. Supreme Court in the case of P.S. Sadasivaswamy vs The State Of Tamil Nadu; 1975 SCC (1) 152, time and again held that in respect of selection, appointment, promotion and seniority, one must approach within a reasonable period. In the present petition, there is delay of nearly three years after completion of process of selection to the extent of issuance of order of appointment to the selected candidate. Delay has not been explained with any appropriate reason so as to condone the same. That apart in an identical matter i.e. CWP No.18360 of 2016; decided on 28.02.2017, on the ground of delay, this Court has refused to exercise extraordinary writ jurisdiction. Thus, petitioners have not made out a case so as to issue writ of mandamus.

Accordingly, petition stands dismissed.

16.01.2018
rajeev

(P.B. Bajanthri)
Judge

Whether speaking/reasoned **Yes/No**

Whether reportable **Yes/No**