

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CWP No.24607 of 2018(O&M)

Date of Decision:-26.09.2018

Kaka Singh.

.....Petitioner.

Versus

State of Punjab & Ors.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. Rohit Mittal, Advocate for the Petitioner.

JASWANT SINGH, J.

Petitioner (Kaka Singh) was engaged as 'Volunteer Home Guard' in the year 1988. He along with SPO-Inderjit Singh had participated in a police operation to nab two persons who were involved in a firing incident which had resulted involving of FIR NO.16 dated 15.03.1993 under Sections 302/307/34 of IPC and under Sections 25/54/59 of the Arms Act. One of the accused, during the raid by police party had consumed cyanide, apprehending his arrest and another was found dead on consuming some poisonous substance on 02.04.1993 . Both the aforesaid accused were later found to be terrorists. The petitioner, being part of team, was awarded a commendation certificate and as a special case, was subsequently appointed as Constable on 23.05.2011. Whereas SPO-Inderjit Singh was appointed as Constable in the year 1993 itself for participating with the same team. This, according to the counsel for the petitioner is the cause of heart burn and, therefore, has sought directions that petitioner should also be appointed from the same date when SPO-Inderjit Singh was appointed by quashing the order dated 03.05.2018 (P-8), whereby the claim of petitioner seeking parity has been declined by the respondents.

I have heard the counsel at length and perused the paper book. However, I am not inclined to grant any relief to the petitioner.

Admittedly, petitioner's case for appointment as Constable with Punjab Police was recommended by the competent authority in the year 1993 itself and in pursuance of the said recommendation, petitioner had cleared physical test etc. In the year 1994 itself. However, petitioner was not appointed as Constable. There is no explanation on part of petitioner explaining as to what he did for these 17 years. Thus, it is seen that the petitioner choose to conveniently sit over his rights and waited all these years for reasons best known to him. It is also evident and not denied that petitioner, was in the knowledge of appointment of SPO-Inderjit Singh in the year 1993 itself. Thus, the petitioner was required to approach this Court within reasonable time and not after a considerable delay of more than 25 years. It is settled position of law that a litigant might have a remedy, but it becomes barred by law of limitation, in case he/she does not approach in time. In case like the instant one, the limitation is usually three years, whereas the petitioner has approached after a delay of 25 years.

Thus, the petitioner is not entitled for grant of any relief, being barred by principle of delay and laches.

Dismissed.

(JASWANT SINGH)
JUDGE

September 26, 2018
Vinay

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>