

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 9617 of 2018

Date of Decision: 20.04.2018

Ram Kanwar

...Petitioner

Vs.

State of Haryana and another

...Respondents

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

Present: Mr. Sandeep Singal, Advocate
for the petitioner.

RAJIV NARAIN RAINA, J. (Oral)

1. The petitioner wants a job of Clerk at the age of 50 years placing his claim on a judgment and order of this court passed in CWP No. 8187 of 1990 against an advertisement of 22.07.1987 inviting applications from eligible candidates. He places his reliance also on CWP No. 11642 of 1990 in which he was arrayed as petitioner no.4. The petition was disposed of on 22.10.1990 in terms of orders delivered in CWP No. 8187 of 1990 on 10.10.1990. The operative part of the orders in the earlier writ petition, the following directions were issued:

By directing the Board at this stage to recommend the name of the petitioners and other similarly situated persons who are higher in merit and whose names have been received back from the departments as they could not be appointed, would at

this juncture disturb the persons who have already been appointed in the other departments who are lower in merit. Under the circumstances, we direct that from now onwards whenever a requisition is received from any department for filling the posts of Clerks, all persons who are higher in merit as compared to the last who might have been appointed as Clerk, till today on the basis of the merit prepared on 15th October, 1989, shall be appointed first. Till such persons who are higher in merit list are appointed, the selection list prepared on 15th October, 1989, would not lapse irrespective of any instructions to the contrary issued by the State of Haryana, if any.

2. After the year 1990 the petitioner has not taken any steps toward legal redress and has approached this Court after an inordinate delay of almost 03 decades pressing for appointment as a Clerk against an advertisement of 1987. The petitioner has not even taken any measures to seek information from the Department/Board as to his merit position viz-a-viz 103 number of vacancies which accordingly to the State of Haryana in a statement made before the Division Bench of this Court in LPA No. 1509 of 2010 decided on 09.11.2012 which might still exist pertaining to the period 15.10.1989 to 18.11.1995 which was

directed to be filled up strictly on the basis of merit position in the merit list prepared by the erstwhile Board presently known as the Haryana Staff Selection Commission. Even measuring the distance from 2012, this petition suffers from extraordinary delay and unexplained laches. In these circumstances, it would not be possible to entertain this petition, to stir up a dead and stale claim seeking directions by way of mandamus for appointment as a Clerk today against public advertisement No. 4/1987 prayed for in the year 2018.

3. In these circumstances I would refuse to entertain the petition. The petition is dismissed.

(RAJIV NARAIN RAINA)
JUDGE

20.04.2018

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Whether speaking/reasoned : *Yes*
Whether reportable : *No*