

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

**LPA No.1531 of 2017
Date of decision: 09.07.2018**

Nayjeet Singh

... Appellant

Versus

Punjab State Power Corporation Ltd. and others

... Respondents

**CORAM: HON'BLE MR. JUSTICE KRISHNA MURARI, CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI, JUDGE**

Present: Mr. Arjun Sheoran, Advocate for the appellant.

KRISHNA MURARI, C.J. (Oral)

This is an intra-court appeal under Clause X of the Letters Patent challenging judgment and order dated 28.07.2017 passed by learned Single Judge dismissing the writ petition filed by the appellant on the ground of delay and laches. Shorn of unnecessary details, facts relevant for the purpose of this appeal are: the petitioner participated for selection to the post of Junior Engineer (Electrical) in pursuance of an advertisement issued in 1997. He was unsuccessful and after a spate of writ petitions filed by him before this Court the last such writ petition being CWP No.10057 of 2008 was disposed of vide judgment and order dated 07.03.2011 by making following observations:

***“For the reasons afore-stated, the writ petition is
allowed to the extent that the respondents are directed
to verify the placement of the Petitioner in the merit list***

amongst the Majhbi Sikh and Balmiki candidates and if he is found amongst 25 candidates in order of merit and has also obtained the minimum bench mark, if any fixed, he shall be given appointment as Junior Engineer, Grade II (Electrical) within a period of three months from the date a certified copy of this order is received. The petitioner shall, however, be granted only notional benefits and no back-wages shall be paid. The respondents shall make an endeavour that the appointments already made are not disturbed. Disposed of. Dasti.”

Admittedly, in pursuance of the aforesaid order passed by this Court, the authorities considered the case of the petitioner and passed an order dated 18.10.2011, wherein again he was not found entitled for appointment. Petitioner kept quiet for almost 6 years and again approached this Court by filing instant petition out of which the LPA arises in 2017. Learned Single Judge found that the petitioner initially was unsuccessful in the selection process and after an inordinate delay approached this Court without any satisfactory explanation to explain delay and laches. While dismissing the writ petition, learned Single Judge has also observed:

“On remaining unsuccessful, he is estopped from complaining about the selection process later on. Petitioner was well aware about the qualifying criteria and also participated in the selection process till the declaration of the result of the written test and,

***therefore, he is not entitled for the discretionary relief
under Article 226 of the Constitution of India.”***

From a perusal of the impugned order passed, we find that not only the petition suffers from delay and laches, learned Single Judge has also considered the merits of the case and found that petition was devoid of any merit and dismissed the same.

After hearing learned counsel for the appellant, we see no ground to differ from the view taken by learned Single Judge as there is no infirmity and illegality. The appeal is devoid of merits and accordingly stands dismissed.

**(Krishna Murari)
Chief Justice**

**(Arun Palli)
Judge**

09.07.2018
Rajan

Whether speaking / reasoned:
Whether Reportable:

YES
NO