IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

LPA-1644-2017 (O&M)

Date of Decision:22.11.2018

Ramu Singh ... Appellant

Vs.

State of Haryana and others ... Respondents

CORAM : HON'BLE MR. JUSTICE MAHESH GROVER

HON'BLE MR. JUSTICE LALIT BATRA

Present : Mr. Tarun Sharma, Advocate for
Mr. P.S. Jammu, Advocate
for the appellant.

MAHESH GROVER J. (Oral)

This appeal is directed against the impugned order dated 8.7.2016 passed by the learned Single Judge.

Appellant was an employee of the Haryana State Minor Irrigation and Tubewell Corporation Limited from where he resigned after serving for eight years. He applied to the Haryana Staff Selection Commission for direct recruitment on the post advertised in the Education Department wherein he was successful and he joined the services from where he retired in the year 2012.

The claim set-up in the writ petition was that the service rendered by the appellant in the Haryana State Minor Irrigation and Tubewell Corporation Limited be counted for the purpose of pensionary benefits by clubbing it with the service rendered in the Government of Haryana.

Learned Single Judge opined that the appellant's service with his erstwhile employer stands extinguished upon his resignation and also declined interference on account of delay and laches since petitioner had

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approached the writ court in the year 2016 though he retired in the year 2012.

We have no reason to differ with the opinion of the learned Single Judge as the appellant had resigned from the corporation to seek a fresh employment which would signal a voluntarily break from his previous employment. This Court had given an opportunity to the appellant to show the rules of the corporation which he has failed to bring to our notice despite sufficient opportunities. We also find that the appeal is barred by delay of 127 days in filing and delay of 194 days in re-filing. There is no justifiable reason to condone the delay in the absence of satisfactory explanation. Hence, no interference is called for.

Accordingly, appeal stands dismissed.

(MAHESH GROVER)
JUDGE

(LALIT BATRA)
JUDGE

22.11.2018
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Whether speaking/reasoned **Yes/No**

Whether reportable **Yes/No**