

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

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LPA No. 601 of 2017
Date of Decision: 29.11.2018

Harsharandeep Singh

.....Appellant

v.

State of Punjab and others

.....Respondent

CORAM HON'BLE MR. JUSTICE MAHESH GROVER
HON'BLE MR. JUSTICE LALIT BATRA

Present:- Mr. R.K. Arora, Advocate, for the appellant

 Mr. H.S. Sitta, AAG, Punjab

 Mr. Inderjit Kaushal, Advocate, for respondent No.3

MAHESH GROVER, J. (Oral) :

 This appeal is directed against the judgment of the learned Single Judge dated 3.3.2017.

 The appellant, who belongs to the Scheduled Caste Category and working as an Electronics Instructor in Government ITI (Women), Jagraon, was an aspirant to the post of Assistant Director/Principal (Junior Scale)/Manager, Government Works Centre and participated in the selection process. When the list of unsuccessful candidates was declared, the appellant was shown in the list of ineligible candidates at Serial No.105 on the ground that he did not possess the requisite experience.

 The reasoning of the respondents as has been disclosed now, was of the appellant working on contractual basis prior to his regularization, which was not counted for the purposes of reckoning the experience of the appellant.

 The learned Single Judge noticed that the list was given out in early February 2012 itself and a communication, on the representation made by the appellant, conveyed on 27.2.2012. Thereafter, the candidates were interviewed from 16.4.2012 to 20.4.2012 and merit list prepared on

20.4.2012 whereafter, it was communicated to the State of Punjab. The writ petition was filed on 11.9.2012, hence delayed, which was taken against the appellant.

Learned counsel for the appellant contends that this observation of the learned Single Judge taking delay as a fatality to the appellant's cause is erroneous for the simple reason that the cause would accrue to him when appointment letter was issued.

After hearing learned counsel for the appellant, we are of the considered opinion that the findings of the learned Single Judge are in order and do not warrant any interference because the cause accrued to the appellant in February 2012, when the reason for ineligibility was communicated to him. The respondents were certainly in the wrong by not construing the period spent by the appellant on contractual basis towards the requisite experience as contained in the eligibility clause but the appellant waited till September 2012 after the process was over to raise the grievance. This delay in raising the grievance is certainly fatal to the cause of the appellant and even otherwise, after the appointment fructified in the year 2012, the present exercise now is merely an academic one.

No ground is made out for interference in the order impugned.

Dismissed.

(MAHESH GROVER)
JUDGE

(LALIT BATRA)
JUDGE

29.11.2018

Ashwani

Speaking/Reasoned
Reportable

Yes/No
Yes/No