

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

LPA-1421-2018 (O&M)

Date of decision:- 30.11.2018

Darshan Singh

...Appellant

Versus

State of Punjab and others

...Respondents

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

Present:- Mr. Gurinder S. Lalli, Advocate,
for the appellant.

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KRISHNA MURARI, C.J. (ORAL)

This intra court appeal under Clause X of the Letters Patent is directed against the judgement and order dated 02.08.2018 passed by learned Single Judge dismissing the claim of the petitioner (appellant herein) to enlist him as Constable from the date of joining as SPO claiming parity with other 39 SPOs who were enlisted as Constables vide order dated 09.12.1991.

2. Admittedly, the appellant keeping in view his suitability was appointed to the post of Cook in the year 2009. Learned Single Judge has non-suited him and refused to grant the relief prayed for on the ground that he has approached this Court after a delay of about more than nine years. It is a fact that the appellant accepted his appointment on the post of Cook which was made nine years back. It was only after this substantial period he has woken up to make his claim to be enlisted as Constable claiming parity with other similarly situated SPOs. There is nothing on record to demonstrate that

he was eligible to be enlisted as Constable. Therefore, a presumption has to be drawn that he was not eligible and, thus, looking into his eligibility he has been given appointment on the post of Cook. In view of the fact that the appellant approached this Court after inordinate delay of nine years, we do not find any illegality in the judgement and order passed by the learned Single Judge which may require our interference.

3. The appeal being devoid of merits stands dismissed.

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

30.11.2018
Amodh

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No