

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

LPA No. 872 of 2018 (O&M)

Date of Decision: 30.07.2018

Ram Kanwar

.....Appellant

versus

State of Haryana and others

.....Respondents

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

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

KRISHNA MURARI, C.J.(oral)

This intra-court appeal under clause X of the Letters Patent is directed against the judgment and order dated 20.04.2018 passed by the learned Single Judge dismissing the writ petition filed by the appellant claiming appointment on the post of a Clerk against an advertisement No.4/87 dated 22.07.1987 after about three decades. The claim made by the petitioner in the instant writ petition was based on a judgment and order dated 22.10.1990 passed in Civil Writ Petition No. 11642 of 1990 wherein he claims to have been arrayed as petitioner No.4 which was disposed of by making the following observations:-

“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 filing 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. Admittedly after 1990, the petitioner did not take any steps for redressal of his grievance. It was only in 2018 he approached this Court by filing a petition. The claim is being made by him after he attained the age of 50 years. Learned Single Judge declined to entertain the petition on the ground that the appellant-petitioner was raking up the dead and stale claim.
3. In view of the admitted factual position which has not been disputed by learned counsel for the appellant during the course of the arguments, no exception can be taken to the view of the learned Single Judge for dismissing the writ petition.
4. The appeal is thus devoid of merits and accordingly stands dismissed in limine.

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

30.07.2018
ravinder

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