

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

LPA No.1244 of 2019(O&M)

Date of decision: 04.07.2019

Naresh Kumar

... 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. Shekhar Verma, 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 01.05.2019 passed by the learned Single Judge dismissing the writ petition filed by the appellant.

Appellant approached this Court seeking a writ of mandamus to command respondents No.1 & 2 to decide the representations made by him dated 17.11.2015 & 17.01.2019, respectively, in a time bound manner for correcting anomaly in the seniority list of Junior Engineers (Horticulture Wing) Haryana Shehri Vikas Pradhikarna to the extent that he has been placed junior to respondent No.4. Another prayer was also made for quashing the benefit of regularization policy dated 11.05.1994 extended to respondent No.4 w.e.f. 31.03.1993 and to set aside his appointment.

Learned Single Judge non-suited the appellant-petitioner and dismissed the writ petition on the ground that seniority list finalized in the year 2010 was not open to be challenged after a gap of 09 years. In so far as

the relief claimed against respondent No.4 is concerned, the same was also declined in view of the fact that the challenge was being made after 24 years.

The issue is well-settled that a stale claim made by a litigant is not liable to be entertained and is liable to be thrown out in view of the judgment rendered by Hon'ble the Apex Court in the case of Union of India v. M.K. Sarkar, (2010) 2 SCC 59.

In view of the law laid down by Hon'ble the Apex Court, we see no illegality in the judgment rendered by the learned Single Judge, which may require any interference. The appeal is devoid of merit and accordingly stands dismissed.

(Krishna Murari)
Chief Justice

(Arun Palli)
Judge

04.07.2019
Rajan

Whether speaking / reasoned:
Whether Reportable:

YES
NO