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

CWP-22449-2013 (O&M)
Date of Decision: May 07, 2019

Balwinder Singh

... Petitioner

vs.

Union of India and Ors

.. Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Ranjodh Singh Sidhu, Advocate, for the petitioner.

Ms. Abha Rathore, Advocate
for respondents No. 1 and 2.

Mr. Prateek Mahajan, Advocate, for respondent No.3.

ARUN MONGA, J.(ORAL)

Under challenge herein is the selection of respondent No.3-
Tarlok Chand, made in the year 1989 as unskilled worker, on daily wages,
in Scheduled Caste category, allegedly by producing false Scheduled
Caste certificate.

2. At the very outset, Mr. Prateek Mahajan, learned counsel for
respondent No. 3 submits that the petition suffers from delay and laches.
Admittedly, the cause of action, if any, arose to the petitioner in the year
1989, whereas the writ petition has been filed in the year 2013.

3. Furthermore, it is the contention of learned counsels for the
respondents that the petitioner unsuccessfully participated in the selection
process for the post of unskilled worker on daily wages in the year 1989.
He was found unsuitable. Nonetheless, a fresh selection process was
subsequently carried out for regular post of Artisan in the year 1991,
wherein, respondent No.3 successfully participated and he was appointed
as such on 28.03.1991. Petitioner never applied for the selection to the

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post of Artisan in the year 1991. Moreover, the said selection of 1991 has not been challenged by the petitioner in the present writ petition or by way of any other proceedings.

4. Even otherwise, assuming the factual assertions of the petitioner to be gospel, there is no ground to interfere in the selection of respondent No.3. On a criminal complaint filed by the petitioner, respondent No.3 was though initially convicted of having submitted a fake certificate qua his belonging to Scheduled Caste, but in an appeal, the Sessions Court set aside the order passed by Judicial Magistrate 1st Class, Tarn Taran and respondent No. 3 was acquitted.

5. The petitioner has challenged the order of acquittal of respondent No. 3 by way of filing of criminal revision. Respondents No. 1 and 2 are at liberty to take appropriate action, in accordance with law on the outcome of the criminal revision stated to be pending before this Court.

6. Apart from above, I am also of the opinion that the petitioner has no locus to challenge the selection of respondent No.3. The petitioner never participated in the selection process of respondent No.3 at the relevant time, in the year 1991, when he was appointed on regular post as Artisan, Grade-4. Therefore, the petition is liable to be dismissed on merits as well as on delay and laches.

7. In view of above, the writ petition is dismissed. No order as to costs.

May 07, 2019
smriti

(ARUN MONGA)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No