

Sr. No.116

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

CWP No.35436 of 2019 (O&M)

Date of Decision: 06.12.2019

Jaspal Singh Brar

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Manpreet Singh Longia, Advocate,
for the petitioner.

Mr. P.S.Bajwa, Additional A.G., Punjab.

ARUN MONGA, J.(ORAL)

1. Petitioner herein seeks issuance of a writ in the nature of mandamus directing the respondents to consider and offer appointment to him against the post of Tehsildar/Excise and Taxation Officer with effect from the date he was appointed as Naib Tehsildar in the Department of Revenue along with all consequential admissible benefits including seniority, pay fixation etc.

2. Petition is hopelessly barred by limitation inasmuch as it suffers from the vice of delay of more than 13 years in impugning the appointment order dated 30.11.2006. Even otherwise, perusal of contents of the writ petition do not inspire any confidence.

3. Para No.18 A of the petition reveals that the petitioner was earlier also before this Court in lis with respondent and

pursuant thereto, he was offered appointment. The present petition, therefore, is also hit by the principal of res-judicata.

4. Petitioner is not entitled to higher post having once taken advantage of compassionate scheme and accepted his appointment under the same. It is too belated at this stage to challenge compassionate appointment on the ground of discrimination, if any.

5. The entire narrative in the writ petition and the contentions raised therein is without even a whisper to the circumstances as to why the petitioner having once acquiesced to his appointment vide impugned order has all of a sudden preferred to file a writ petition in the year, 2019 as a bolt from the blue.

6. Writ petition is, accordingly, dismissed on the ground of delay, laches and on merits as well.

06.12.2019

vandana

**(ARUN MONGA)
JUDGE**

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No