

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

LPA No. 1315 of 2019 (O&M)
DATE OF DECISION: 22.01.2020

Mandeep KaurAppellant
versus
State of Punjab and othersRespondents

**CORAM:- HON'BLE MR. JUSTICE RAVI SHANKER JHA, CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI, JUDGE.**

Present: Mr. Vijay Pal, Advocate, for the appellant.

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RAVI SHANKER JHA, CHIEF JUSTICE: (Oral)

The appellant has filed this appeal being aggrieved by the order dated 05.12.2018 passed by the learned Single Judge dismissing the writ petition filed by her claiming employment as Homoeopathy Doctor pursuant to the Punjab Government Instructions dated 10.11.1988 issued on behalf of Border Security Force (BSF) in lieu of the land acquired by the respondents.

Learned counsel for the petitioner (appellant herein) submits that the land of the petitioner's father was acquired for establishment of BSF campus and while acquiring the land, the permission to do so was granted by the State subject to the condition that one eligible adult member would be provided employment by the BSF. The said proceedings were taken up in the year 1988-89. Thereafter the petitioner applied for seeking employment as Homoeopathic Doctor before the respondents in the year 2009 which request was rejected by the authorities on 06.01.2010. However, apparently, the petitioner, being aggrieved, filed a Civil Writ Petition No. 10299 of 2013 years later which was dismissed by this Court on 14.05.2013 in the absence of any challenge to the order rejecting her claim. The petitioner after dismissal of the aforesaid petition filed a subsequent petition before this Court which was dismissed by the learned Single Judge vide the impugned order on the ground that the petition suffered from delay and laches and that the petitioner did not take up

the proceedings either for employment or against the order of rejection within a reasonable time. Learned counsel for the appellant has now assailed the aforesaid impugned order passed by the learned Single Judge.

Having heard learned counsel for the petitioner, it is observed that the previous petition filed by the petitioner was dismissed on 14.05.2013 as the petitioner had not challenged the order dated 06.01.2010 rejecting her claim for employment. Once the claim of the petitioner had been dismissed, one wonders as to how the second petition for the same relief, simply on the ground of subsequent communication dated 02.04.2014 again communicating rejection of her claim could be filed or entertained.

Quite apart from the above, we are also of the considered opinion that the land of the petitioner was acquired in the year 1988-89 and thereafter instead of immediately claiming employment she waited for a long period of 10 years to apply for the same in the year 2009 which was rejected in the year 2010 and three years thereafter the petitioner filed a petition in the year 2013 against the order of rejection, which was also dismissed on 14.05.2013 (Annexure P-6). The aforesaid delay and laches on the part of the petitioner is fatal.

In the circumstances we affirm the findings recorded by the learned Single Judge regarding claims being apparently dead and stale.

The appeal being meritless accordingly stands dismissed.

(RAVI SHANKER JHA)
CHIEF JUSTICE

22.01.2020
ravinder

(ARUN PALLI)
JUDGE

<u>NOTE:</u> Whether speaking/non-speaking: Speaking Whether reportable: YES/NO
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