

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

**CWP-17918-2020 (O&M)
Date of Decision:18.11.2020**

Suresh Kumar & others

... Petitioners

Versus

State of Haryana & others

... Respondents

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Raman Chawla, Advocate for the petitioners.

....

TEJINDER SINGH DHINDSA, J. (ORAL).

Matter has been taken up through Video Conferencing via Webex facility in the light of the Pandemic Covid-19 situation and as per instructions.

Petitioners seek a mandamus directing the respondent/ authorities under the Department of Irrigation and Water Resources, State of Haryana to consider their candidature for purposes of appointment to the post of Canal Guard under the SC category.

Having heard counsel at length and having perused the pleadings on record, this Court is of the considered view that the instant petition merits dismissal on the ground of delay alone. Merits of the case need not even be gone into.

The process of selection and appointment to the post of Canal Guard was initiated in the light of advertisement dated 31.07.2008. Petitioners assert that they had applied in response to such advertisement. Grievance projected is that inspite of being more meritorious than the other candidates, they had been denied appointment.

Averments made in the petition would show that other candidates and who were aggrieved by the selection process had chosen to file writ petitions in the years 2009, 2010 and 2011 itself. A bunch of writ petitions came to be disposed of vide common order dated 13.02.2014 passed in **CWP-18416-2009 (Satyawar Vs. State of Haryana & others)** and other connected petitions granting liberty to the petitioners therein to approach the competent authority i.e. the Principal Secretary-cum-Financial Commissioner, Irrigation Department. Further directions were issued that in case such a representation is submitted by the petitioners therein, the same would be considered within a period of 12 weeks by passing a speaking order.

Concededly, the petitioners inspite of being aggrieved of a selection process that was initiated in the year 2008 and finalized in the year 2008-09 itself, chose never to agitate their grievance. Not only that they were not petitioners in bunch of writ petitions decided vide common order dated 13.02.2014 (Annexure P-3), they had not even approached the respondent/authorities till that date. As per counsel, a representation dated 05.03.2014 (Annexure P-4) was submitted after the order dated 13.02.2014 passed by this Court in **Satyawan's case (supra)**.

Even if the filing of such representation by the petitioners in the year 2014 is taken to be factually correct, the instant writ petition has been filed after a period of 6 years i.e. in the year 2020.

It is a highly belated claim that is sought to be agitated in the instant writ petition. The petitioners herein would have to be seen as fence-sitters. It is too late in the day for any directions to be issued by this Court as

regards consideration of the claim of the petitioners for the post of Canal Guard in relation to a selection process that was initiated and finalized more than a decade back.

No interference in the matter is warranted.

Petition is dismissed.

18.11.2020

harjeet

(TEJINDER SINGH DHINDSA)
JUDGE

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |