

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

RSA No.2898 of 2018 (O&M)

Date of Decision: 20.1.2020

Nirmal Kaur

... Appellant

Versus

State of Punjab and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr.VK Jindal, Sr.Advocate with
Mr. Gopal Soni, Advocate for the appellant

RAJIV NARAIN RAINA, J. (Oral)

1. Having regard to the reasons contained in the application under Section 5 of the Limitation Act, 1993 for condoning the delay of 39 days in filing the appeal by way of explaining delay is that the appellant did not have sufficient funds for filing the RSA under Section 100 of the CPC. This is not accepted as a reason for delay sufficiently explained and the averment is not a valid ground to allow the application. Such applications cannot be allowed as a matter of course and on the asking.

2. I have also considered the arguments of the learned Sr. Counsel on the merits of the case, all of which have not persuaded me enough to interfere in the proper judgments and decrees of the courts below repelling challenge to the selection in a service matter involving appointment of Supervisor made in 1996-97, that is 23 years ago, although the petitioner may have fulfilled the qualifications for the post i.e. she had experience of 8 years as Anganwadi worker and was educationally qualified for the job, but had remained

unsuccessful in the selection process. Firstly, I am disinclined to intervene for the reason that the appellant alongwith others came to this Court in a bunch of writ petitions, the leading being CWP No.1926 of 1997, which was decided after many years by ordering the appointment of a Committee to go into the question of allegations of fraud in the selection. The Committee found certain minor discrepancies in the marks awarded to the candidates, but by and large upheld the appointment of the selected candidates, as the result would not have materially changed. The aforesaid writ petition was decided on 19.5.2005 with the directions as follows:-

“...We find that in view of the very nature of the facts and the record and the questions raised in this bunch of petitions and also arising out of the report of Sh.R.L.Kalsia Director Social Security Women and Child Development Punjab Chandigarh which has been submitted before us in court, it is not possible for us to examine inter-se claim of the parties on account of seriously disputed questions of fact but as this matter has been pending in this Court at the motion stage since the year 1997, we deem it appropriate that either the State Government itself or through some Committee, should have the issues examined after hearing all those who are likely to be affected and after giving them an opportunity of filing objections against the report and to take a decision on the issues raised within 12 months from today...”

3. The Committee rejected the case of the appellant, but she still complained that she was not given an effective opportunity of hearing to present her case before the Committee, but the plea did not meet with the approval the decision-making authority. No prejudice had been caused to the appellant nor were any of her rights infringed.

4. Aggrieved, she filed a civil suit from where this appeal arises. She has failed in the two courts. Among other things, it will be far too late in the day to tinker with the judgments in appeal in a service matter, as any relief, even if remotely contemplated, would result in unsettling third party rights accumulated over the years in the cadres, which if granted, would inevitably lead to administrative chaos hard to manage by the administration after a passage of more than two decades.

5. Court orders in service matters should normally avoid a situation which would result in administrative chaos, when real and effective orders for lack of material is hard to cobble for giving any constructive relief, a relief which in the facts and circumstances of this case is far-fetched. For both these reasons, I find no sustainable ground to interfere in the impugned judgments and decrees of the courts below. I find no question of law, much less substantial arising in this appeal for determination.

6. In view of the above short discussion, the application for condoning the delay as also the appeal are dismissed in limine.

20.1.2020
MFK

(RAJIV NARAIN RAINA)
JUDGE

Whether speaking/reasoned : *Yes*

Whether Reportable: *Yes/No*