

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

CWP No.4399 of 2022 (O&M)

Date of Decision.25.03.2022

(Heard through VC)

Mukesh Kumar

...Petitioner

Vs

State of Haryana and others

...Respondents

CORAM:HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Karamveer Singh Banyana, Advocate
for the petitioner.

Mr. Vishal Malik, DAG, Haryana.

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JAISHREE THAKUR J. (ORAL)

1. This is a petition that has been filed under Article 226 of the Constitution of India for issuance of a writ in the nature of certiorari, quashing the impugned orders dated 18.08.2017 and 19.04.2018 whereby representation of the petitioner for fixation of his seniority in Batch No.47 of Lower School Course has been rejected, with further prayer to direct the respondents to fix seniority of the petitioner in Batch No.47 of the Lower School Course instead of Batch No.48.

2. Learned counsel for the petitioner herein would contend that the petitioner had joined the Police Department as a Constable on 29.10.2000 and in the year 2007, participated in competitive examination of B-1 held at Commando Complex, Newal. Out of total 32 vacancies, petitioner stood at Sr. No.16. The petitioner and another Constable Sanjay Kumar obtained 72.5 marks but name of Constable Sanjay Kumar found place at Sr. No.15 whereas petitioner had been placed at Sr.16. It is further contended that marks of Auto Weapon Tactics Course were not granted to

the petitioner and in case one mark for Auto Weapon Tactics Course is awarded to the petitioner, his position would come at Sr. No.14 in the order of merit and consequently, his seniority will be fixed in Batch No.47. But surprisingly, in two batches made for Lower School Course, name of the petitioner had been included in Batch No.48 instead of Batch No.47, resulting into loss of seniority to the petitioner. Aggrieved against the same, petitioner submitted a representation to respondent No.4, who forwarded the same further to respondent No.3 for consideration, however, the same stood dismissed vide order dated 18.08.2017 without any justification by passing a non-speaking order. A similar representation was also submitted to respondent No.2, which had also been dismissed vide order dated 19.04.2018. Against the aforementioned orders dated 18.08.2017 and 19.04.2018, petitioner herein has knocked the door of this Court by way of instant writ petition.

3. Notice of motion.

4. Mr. Vishal Malik, DAG, Haryana who is present through the medium of video conferencing, accepts notice for the respondents and while referring to Standing Order No.65/1998, would submit that any representation, which is more than five years old, cannot be entertained being time barred. In the instant case, petitioner claimed seniority after expiry of 10 years from selection for Lower School Course in batch No.47 instead of Batch No.48 and therefore, the instant petition is liable to be dismissed being time barred.

5. I have heard learned counsel for the parties and have perused the paper book. Admittedly, the petitioner herein had participated in the competitive examination of B-1 in the year 2007 and further sent for Lower

School Course, however, he approached the competent authority for redressal of his grievance that he was not awarded with one mark for Auto Weapon Tactics Course in the year 2017 i.e. after a period of 10 years, which is not permissible as per Standing Order No.65/1998 issued by the office of Director General of Police, Haryana. The claim raised by the petitioner by way of representation was rightly rejected by the competent authorities being time barred. Consequently, this Court does not find any infirmity in the impugned orders passed by the competent authority and the instant petition stands dismissed on the ground of delay and laches.

(JAISHREE THAKUR)
JUDGE

March 25, 2022

Pankaj*

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No