

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

CWP-6226-2021

Date of decision: 21.03.2022

BALJIT SINGH

...Petitioner

V/S

THE STATE OF HARYANA AND ORS

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Pankaj Maini, Advocate,
for the petitioner.

Mr. Sharan Sethi, Additional A.G., Haryana.
(Presence marked through video conference)

ARUN MONGA, J. (ORAL)

Petition herein, *inter alia*, is for issuance of a writ in the nature of certiorari to quash the order dated 14.07.2004 (Annexure P-7) which was conveyed to the petitioner in the year 2019 and his rights were hurt to get the appointment on Class-IV as someone else was appointed against his post.

2. Learned counsel for the petitioner submits that petitioner was initially appointed as Helper attendant during the strike period in the year 1993. Later, his services were dispensed with. After dispensing with his services, the petitioner along with similarly situated employees filed CWP No.3947 of 1997, which was decided on 19.03.1997. Several writ petitions were filed in which Hon'ble Division Bench laid down the guidelines for adjusting the retrenched employees. Thereafter, the State of Haryana filed LPA which was also dismissed. After that various contempt petitions were filed in which guidelines were issued to the respondent regarding taking back the services of the

retrenched employees. Thereafter, respondents have issued a public notice dated 21.06.2004 (AnnexureP-5) vide which the petitioner and other employees were notified to be employed on daily wages as 'helper attendant' Class-IV post. The petitioner was never issued the appointment letter. He submits that respondent No.2 inquired the status from respondent No.3 on the representation made by the petitioner, but to no avail. Thereafter, respondent No.3 passed an order dated 14.07.2004 which is ante dated vide which claim of the petitioner was rejected. Hence, the writ petition.

3. Learned counsel for the petitioner submits that the impugned order has been ante dated to frustrate the claim of the petitioner. In reality, the same was neither passed in the year 2004 nor ever served on him.

4. I have heard learned counsel for the petitioner and perused the paper book.

5. No grounds for interference are made out. *Ex facie* case pleaded in the petition shows that there are disputed questions of facts, which cannot be adjudicated under the extraordinary writ jurisdiction of this Court. Petition cannot be decided on the basis of affidavit(s) and may require appropriate trial.

6. Petitioner is accordingly allowed liberty to seek his appropriate alternative civil remedy as may be available in law and if so advised. Even otherwise also, it appears that the case of the petitioner is hit by inordinate delay and laches, which is sought to be justified on the ground that the matter was pending with the

competent/administrative authorities and, therefore, petitioner being sanguine that his claim would be accepted, he did not initiate any legal proceedings.

7. Disposed of accordingly.

21.03.2022

vandana

(ARUN MONGA)

JUDGE

Whether speaking/reasoned:

Whether reportable:

Yes/No

Yes/No