

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

CWP-8302-2005

Date of decision: 05.12.2022

Pardeep Kumar Jain

...Petitioner

VS

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Sanjiv Gupta Advocate,
For the petitioner.

Mr. R.D.Sharma, DAG, Haryana.

Dr. Neha Awasthi, Advocate,
For respondent No.2.

ARUN MONGA, J. (ORAL)

Petition herein, *inter alia*, is for issuance of a writ in the nature of Mandamus directing the respondents to select and appoint the petitioner on the post of Sub Divisional Officer (Panchayati Raj) (Group 'B') in Development and Panchayat Department, Haryana.

2. Though there is no return filed to the writ petition, however, I have heard the arguments of learned counsel for the petitioner as well as learned State counsel. The writ petition is opposed on the ground that it is too belated to accept the claim of the petitioner at this stage. Further, it is argued by the learned State counsel that the petitioner's claim cannot be allowed merely on the basis of an affidavit, without there being any supporting material to show that in other cases, such benefit of relaxation of age is/was given as being sought in the writ petition. He would argue that concededly the petitioner was overage at the time of advertisement dated 02.10.2004 (Annexure P-1) and there is nothing on record to show that qua the said advertisement, any relaxation of age limit was given. In

any case, he would argue that the petitioner never gave anything in writing to seek any such relaxation from the competent authority.

3. Having heard the arguments, I find that given the sheer lapse of time, it is too belated to accept the claim of the petitioner as not only has he superannuated during pendency of the writ proceedings, but also was accorded promotion from the post of Junior Engineer to SDE, the promotion he was seeking, had he been allowed to participate in the selection process vide advertisement dated 02.10.2004 (Annexure P-1).

4. He was not selected earlier on the ground of being over age and, there is nothing on record to show that petitioner ever sought any relaxation of age by moving any application or any representation. No document has been appended nor even otherwise pleaded in support of the writ petition. Moreover, the petition was filed some time in the year 2005 and has remained pending before this Court ever since. Sometimes vagaries and unpleasant consequences arising out of the long pendency of litigation have to be accepted as *fait accompli* by the litigants. Furthermore, to pass any directions to constitute a special promotional committee for the petitioner would also not be appropriate at this stage as one does not know who all would have been the contenders at the relevant time and whether or not the entire relevant record for determining their inter se merit is now available.

5. Being so, no grounds are made out to interfere at this stage.
Dismissed.

(ARUN MONGA)
JUDGE

December 05, 2022
Vandana

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No