

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

**CWP-19962-2022 (O&M)
Date of Decision: 11.10.2022**

Harish Kumar

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. R.K. Malik, Sr. Advocate
with Mr. Sunil Hooda, Advocate
for the petitioner.

Mr. Pankaj Middha, Addl.A.G., Haryana.

ARUN MONGA, J. (ORAL)

Petition herein, *inter alia*, is for issuance of a writ in the nature of Mandamus directing the respondents to consider the case of the petitioner for the appointment on the post of Driver (Heavy Vehicle) in pursuance to order dated 17.08.2022 passed in CWP No.21665 of 2015 (Annexure P-12), whereby the case of the similarly situated candidates have been ordered to be considered by the respondents.

2. Pledged case of the petitioner is that respondent No.3 advertised 1513 posts of Driver (Heavy Vehicle) for Haryana Roadways for which last date of submission of application was fixed as 10.12.2012. Petitioner applied under BC-B Category and after scrutinizing of applications he was called for driving proficiency test and interview. On the basis of Driving Proficiency Test and interview held in the month of April, 2013 and May, 2013 and on 16.01.2014 the result for the post of Driver (Heavy Vehicle) was declared. The petitioner was shown at

Sr. No.9, while the candidate Rakesh Yadav was shown at Sr. No.10 and Ajay Rajjan Yadav was shown at Sr.No.11. As per the RTI information, 9 posts of BC-B Category could not be filled up due to the bogus licenses of the recommended candidates and 2 posts of Outstanding Sportsperson BC-B Category remained vacant due to non-availability of candidates. Petitioner visited the office of respondent No.3 and requested for recommendation of his name for appointment on one of the vacant posts within permissible time of one year of the declaration of result. However, he was not appointed. Petitioner came to know in the year 2017 that some of the candidates have filed case before this Court and the candidates who were at Sr.No.10 and 11, as mentioned above, have been appointed after the decision of this Court. Therefore, the petitioner served a legal notice upon the respondents but to no avail.

3. On advance service, the learned State counsel appears and opposes the petition.

4. I have heard the rival contentions of the learned counsel for the parties.

5. From facts the emerging conceded position is that the waiting list, which was live for one year, expired in the year 2015. Petitioner later approached this Court after the lapse of almost 7 years. No doubt, prior thereto he had served a demand notice in the year 2017, seeking implementation of the waiting list in which he claims himself to be higher in merit being at Sr. No.9 than the one at Sr. Nos.10 & 11, and have been accorded the benefit of appointment. While on first flush what seems is that the petitioner's claim has been wrongly ignored. However,

on a closer scrutiny it is borne out that his case has been rightly rejected. Reasons are not far to seek. Petitioner knowing fully well that the waiting list was alive only for a period of year acquiesced to the expiry of the same, notwithstanding, that he had himself issued a demand notice which was not acceded to and he approached this Court only in the year 2022. As against this, the candidates below him in merit being at Sr.No.10 and 11 approached this Court well in time in the year 2015 and this petition was allowed. Pursuant thereto, they have been given the benefit of appointment. However, the petitioner, as a fence-sitter, has now after a period of almost 7 years filed this petition. Trite it is to say that law helps the vigilant and those who sleep over their rights and later on get up to seek the benefit and take advantage over others who promptly approached the Court and availed their remedies well within the time.

6. In the premise, the petition is dismissed on the ground of delay and laches.

(ARUN MONGA)
JUDGE

October 11, 2022
ashish

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No