

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

LPA-348-2023 (O&M)

Date of decision : 28.03.2023

Ram Saroop Singh and others

.....Appellants

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE RAVI SHANKER JHA, CHIEF JUSTICE
HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Rajeshwar Singh, Advocate,
for the appellants.

Mr. Arjun Sheoran, DAG, Punjab.

RAVI SHANKER JHA, CHIEF JUSTICE (Oral)

CM-990-LPA-2023

For the reasons stated in the application, duly supported by
an affidavit, delay of 16 days in filing the appeal is condoned.

Application is, accordingly, allowed.

LPA-348-2023

This appeal has been filed by the appellants being aggrieved
by an order dated 27.01.2023 passed by the learned Single Judge,
whereby the petition (CWP-21400-2021) filed by the appellants seeking
issuance of a writ in the nature of mandamus directing the respondents -

authorities to complete the selection process initiated by them in the year 2006 has been dismissed.

Brief facts, leading to the filing of the petition, are that pursuant to the advertisement issued in the year 2006 for recruitment of 1061 posts of General Duty Constable, the appellants applied for appointment to the post. They participated in the selection process and their names were included in the waiting list. However, as the authorities failed to make any appointment from the waiting list, the appellants filed representation/application dated 15.12.2010 (Annexure P-2) under the Right to Information Act, 2005 (for short, “the RTI Act”) before the authorities and thereafter, the writ petition was filed in the year 2021.

Learned Single Judge, taking into consideration the aforesaid dates and the fact that the appellants have waited for 15 years to approach this Court, has dismissed the petition on the ground of delay and laches.

Learned counsel for the appellants submits that the appellants were able to lay their hands on the waiting list in the year 2021 and filed the petition in that year. He submits that in such circumstances, the learned Single Judge should have granted relief to the appellants.

Having heard learned counsel for the appellants, we are of the considered opinion that the selection process was initiated in the year 2006 and the waiting list, which was published in that year, is no longer in existence as it has lapsed with efflux of time. Moreover, it is an admitted and undisputed fact that the appellants for the first time agitated their claim on 15.12.2010 i.e. after four years from the date of publication of the waiting list, by which time the list had already lapsed as it outlived

its utility. Facts further indicate that the appellants after having filed representation/application under the RTI Act in the year 2010 slept over the matter and suddenly woke up and filed petition in the year 2021. Had the appellants been sanguine of the genuineness of their claim, they should have taken up the matter in the year 2006 itself. The learned Single Judge, taking into consideration the fact that 15 years have elapsed and nothing survives for granting any relief to the appellants, has dismissed the petition. We are of the opinion that there is no illegality or perversity in the order passed by the learned Single Judge.

It is settled law that such a huge delay cannot be condoned and in such circumstances, the petition has been rightly dismissed by the learned Single Judge on the ground of delay and laches, in view of the law laid down by the Supreme Court in **Union of India and others Vs. N. Murugesan and others, (2022) 2 SCC 25**, wherein it has referred to the decisions in the cases of: **U.P. Jal Nigam Vs. Jaswant Singh, (2006) 11 SCC 464**; **State of Karnataka Vs. S.M. Kotrayya, (1996) 6 SCC 267**; **Jagdish Lal Vs. State of Haryana, (1997) 6 SCC 538**; **State of W.B. Vs. Tarun K. Roy (2004) 1 SCC 347**; **Eastern Coalfields Ltd. Vs. Dugal Kumar, (2008) 14 SCC 295**; **Tilokchand Motichand Vs. H.B. Munshi, (1969) 1 SCC 110**; **Rabindranath Bose Vs. Union of India, (1970) 1 SCC 84**; **Karnataka Power Corpn. Ltd. Vs. K. Thangappan, (2006) 4 SCC 322**; **State of M.P. Vs. Nandlal Jaiswal, (1986) 4 SCC 566**; **Chennai Metropolitan Water Supply & Sewerage Board Vs. T.T. Murali Babu, (2014) 4 SCC 108**; **Tukaram Kana Joshi Vs. MIDC, (2013) 1 SCC 353**; **Durga Prashad Vs. Controller of Imports & Exports, (1969) 1 SCC 185**; **LAO Vs. Katiji, (1987) 2 SCC 107**; **Dehri**

Rohtas Light Railway Co. Ltd. Vs. District Board, Bhojpur, (1992) 2 SCC 598; Dayal Singh Vs. Union of India, (2003) 2 SCC 593; and Shankara Coop. Housing Society Ltd. Vs. M. Prabhakar, (2011) 5 SCC 607.

Appeal is, accordingly, dismissed.

(RAVI SHANKER JHA)
CHIEF JUSTICE

(VIKAS BAHL)
JUDGE

March 28, 2023
ndj

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No