

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

CM-890-LPA-2023 in/and LPA-312-2023 (O&M)

Date of decision : 21.03.2023

Pushwinder Singh

.....Appellant

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE RAVI SHANKER JHA, CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Parminder Singh, Advocate,
for the appellant.

RAVI SHANKER JHA, CHIEF JUSTICE (Oral)

Heard on CM-890-LPA-2023 filed by the appellant for
condonation of delay of 156 days in filing the appeal.

While considering the application for condonation of delay
in filing the appeal, it is observed that vide order and judgment dated
13.09.2022, the learned Single Judge has dismissed the writ petition
(CWP-20719-2022), wherein the appellant had prayed for a writ in the
nature of mandamus directing the respondents to consider his
representations dated 05.07.2022 and 19.07.2022 asking for the details of
the Constables selected under the Scheduled Caste category, for the post

of Male Constable, under advertisement dated 11.09.2010. The learned Single Judge observed that the advertisement was issued in the year 2010 and appointments pursuant thereto were made way back in the year 2011, whereas the appellant for the first time had raised the issue in his representation in the year 2022. Taking the aforesaid facts into consideration and relying upon the maxim “Vigilantibus non dormientibus aequitas subvenit”, learned Single Judge has dismissed the petition on the ground of delay and laches.

Apparently, the aforesaid facts are undisputed. It is also evident that even today after lapse of so many years, the appellant has not claimed any relief of his appointment to the post of Male Constable under the advertisement in question. In such circumstances and 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,** we do not find any illegality in the impugned order and judgment passed by the learned Single Judge. Moreover, the Supreme Court in **Union of India and others Vs. M.K. Sarkar, (2010) 2 SCC 59** has held that the High Court should not entertain and issue direction to decide representation in dead and stale cases that have attained finality on account of lapse of time. Therefore, the learned Single Judge has rightly dismissed the petition of the appellant, which was filed to revive dead and stale issue.

In such circumstances, we do not find that there is any reasonable acceptable explanation for condoning the delay in filing the appeal and taking up the matter on merits. As a result thereof, the application for condonation of delay in filing the appeal is dismissed.

Consequently, the appeal also stands dismissed.

(RAVI SHANKER JHA)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

March 21, 2023
ndj

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