

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIAGRH

CWP No.8687 of 2008(O&M).

Reserved On: 17.04.2023

Decided on:17.08.2023

Neeraj Kumar Sharma and others

...Petitioners

Versus

State of Punjab and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Kanwaljit Singh, Sr. Advocate, with  
Mr. Anirudh Gupta, Advocate  
for the petitioners.

Mr. Shivender, Advocate, for  
Mr. B.S.Bhalla, Advocate  
for petitioner no.2.

Mr. D.K.Singal, Addl.A.G., Punjab.

ANIL KSHETARPAL, J.

1. The petitioners pray for the issuance of a writ in the nature of mandamus directing the respondents to give them the appointments with all consequential benefits on the post of Steno-typist (Punjabi) in pursuance to their selection by the Subordinate Selection Board, Punjab.

2. Certain recruitment notices were issued in February, 1996, May, 1996 and January, 1997. The petitioners are stated to have participated in the written test and were declared successful. On the basis of the written test and interview the names of the petitioners were recommended by the Service Selection Board (hereinafter referred to as 'the Board') to the Rural Development and Panchayat Department for appointment on 15.01.2002.

However, on 29.01.2002, the Department sent back the petitioners' name on the ground that there was no requisition from the department.

3. It is the case of the petitioners that in May, 2002, there was a ban on recruitment due to poor financial condition and in between Model Code of Conduct was also in place which was lifted on 25.02.2002 except in the District Muktsar. In the meantime, a letter was written by Secretary, SS Board while inquiring how many candidates have not been issued appointment letters. The ban on recruitment was also lifted on 29.01.2004. They submitted representation in the years 2004 and 2005. While claiming that a similar writ petition i.e. Civil Writ Petition No.1677 of 2005 has been allowed on 10.01.2005, the petitioners filed the present writ petition on 26.05.2008.

4. The writ petition has been contested by the Department of Rural Development and Panchayat claiming that there was no requisition from their side. Respondent no.3 has filed separate written statement.

5. From the narration of the facts, it is evident that the petitioners filed the writ petition for the first time in May 2008, whereas, they were not given appointments in the year 2002. They did make representations in the years 2004 and 2005, however, again slept over the matter. The decision of the High Court on 10.01.2005 in the writ petition filed by some other candidates would not give rise to a fresh cause of action to the petitioners. Even the representations made by them would not extend the limitation. Moreover, no direction to consider dead and time barred claim can be issued. The writ petition is required to be filed promptly in the High Court.

The petitioners cannot claim that there was a continuous wrong. Moreover, nearly 27 years have elapsed since the recruitment notice was issued.

6. This court has also carefully read the judgment passed in CWP No.1677 of 2005 which has been heavily relied upon by the learned senior counsel representing the petitioners. In that case, the petitioner was not offered appointment on account of ban on the recruitment. The court held that once the name of the aforesaid petition was recommended before the ban was imposed, then in those circumstances, the ban on recruitment would not be applicable in their case.

7. In view of the aforesaid facts, the judgment passed in CWP No. 1677 of 2005 is not applicable. Moreover, this writ petition has been filed after more than three years from the decision in the aforesaid writ petition.

8. In view of the aforesaid discussions, the writ petition is dismissed solely on the ground of unexplained delay and laches.

9. All the pending miscellaneous applications, if any, are also disposed of.

**17<sup>th</sup> August, 2023**  
**nt**

**(ANIL KSHETARPAL)**  
**JUDGE**

**Whether speaking/reasoned**  
**Whether reportable**

**:YES/NO**  
**:YES/NO**