

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

LPA-1941-2023 (O&M)

Date of decision: 04.12.2023

Neeraj Kumar Sharma and another

...Appellants

Vs.

State of Punjab and others

...Respondents

**CORAM: HON'BLE MS. JUSTICE RITU BAHRI, ACTING CHIEF JUSTICE
HON'BLE MR. JUSTICE AMAN CHAUDHARY**

**Present: Mr. Anurag Goyal, Advocate,
for the appellants.**

Ritu Bahri, Acting Chief Justice

CM-4855-LPA-2023

CM-4856-LPA-2023

1. For the reasons mentioned in the applicatione, same are allowed and delay of 01 day in filing and 29 days in re-filing of the appeal is condoned.

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2. The instant appeal, under Clause X of the Letters Patent Appeal, is against the judgment dated 17.08.2023 passed by the learned Single Judge of this Court, whereby writ petition (CWP-8687-2008) filed by petitioner-appellants seeking direction to the respondents to give them appointments on the posts of Steno-Typist (Punjabi), has been dismissed.

3. Brief facts of the case are that pursuant to the recruitment notices, which were issued in February, 1996, May, 1996 and January,

declared as successful. Their names were recommended for the post of Steno-Typist (Punjabi) by the Service Selection Board to the Rural Development and Panchayat Department on 15.01.2002. However, on 29.01.2002, names of the petitioner-appellants were sent back on the ground that there was no requisition from the said department.

4. The ban on the recruitment was lifted on 29.01.2004 and thereafter, the petitioners gave their representation in the years 2004 and 2005. The selected candidates filed a writ petition i.e. CWP-1677-2005, which was allowed by this Court vide order dated 10.01.2005. The present petitioners filed the instant writ petition on 26.05.2008.

5. Learned Single Judge, vide impugned judgment, has dismissed the writ petition filed by the petitioner-appellants on the ground that they had filed the petition after a gap of more than three (03) years from the date of decision given in CWP-1677-2005, which was decided on 10.01.2005.

6. Learned counsel for the appellants has argued that the earlier petition filed by the selected candidates i.e. CWP-1677-2005 was allowed on the ground that when offer of appointment was given to the petitioners (therein), there was no ban on recruitment and since there was no ban, it could not be a ground to deny them the appointment.

7. However, in the present case, petitioner-appellants have approached this Court after a gap of more than three (03) years when the earlier writ petition (CWP-1677-2005) was allowed. No plausible explanation has been given by the appellants as to why they did not approach this Court well in time. Now, after a gap of more than 27 years, no direction can be given to the respondents to give appointments to the appellants. Even today, on a specific query put to learned counsel for the appellants, he could not explain the delay of more than three (03) years in

approaching this Court.

8. Apart from three years' delay, even the life of waiting list is only for a period of one year in regular selection process. After gap of such a long delay, no cause of action remains with the petitioner-appellants to seek direction from this Court. Hence, no ground is made out to interfere in the well reasoned judgment passed by learned Single Judge.

9. Resultantly, finding no merits, present appeal stands dismissed.

(RITU BAHRI)
ACTING CHIEF JUSTICE

(AMAN CHAUDHARY)
JUDGE

04.12.2023

ajp

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No