

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

LPA-117-2023(O&M)
Date of decision: 08.02.2023

Virender and others

... Appellants

Versus

State of Haryana and others

... Respondents

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

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

RAVI SHANKER JHA, C.J. (Oral)

This appeal has been filed by the appellants being aggrieved by order dated 23.11.2022, passed by the learned Single Bench in CWP-26894-2022, whereby the petition filed by the petitioners (appellants herein) seeking a writ of certiorari to quash the order dated 30.12.2016/03.01.2017 (P-4), vide which the appointment of the petitioners to the posts of Fisherman-cum-Watchman was cancelled, as well as the inquiry report dated 25.06.2018 (P-14), by which their selection on the posts of Fisherman-cum-Watchman was declared illegal, has been dismissed.

Learned counsel for the appellants submits that the appellants had participated in the selection process for appointments to the posts of Fisherman-cum-Watchman undertaken vide advertisement issued by the respondent-authorities for filling up 90 posts. It is submitted that though the result was declared on 09.12.2016, and the appellants were even offered appointment letters, however, the said selection as well as the appointment was cancelled vide order dated 30.12.2016/03.01.2017. He further submits

that previously the appellants had filed a petition being CWP-81-2017, and this petition was dismissed by the learned Single Bench vide order dated 30.08.2022, by upholding the cancellation, however, while doing so, the Court had observed that the petitioners (appellants herein) would be at liberty to challenge the Committee's report, if so advised. Learned counsel for the appellants submits that pursuant to the said observation, the appellants filed CWP-26894-2022 before the learned Single Bench, which has been dismissed by impugned judgment and order dated 23.11.2022. Hence, this appeal.

While several issues have been raised by the appellants, it is observed that the learned Single Bench in the impugned judgment has quoted the order dated 30.08.2022, passed in CWP-81-2017, to indicate that as far as the cancellation of selection and appointment is concerned, the same has already been upheld, and the petition could be filed only in respect of challenge to the Committee's report. The learned Single Bench has also observed in paragraph 3 of its order that the Committee's report was submitted way back on 25.06.2018 and was challenged after an inordinate delay of 04 years, and no explanation was rendered to justify such a gross and inordinate delay.

Having heard learned counsel for the appellants, it is the undisputed position that the appellants had filed the petition in the year 2022, assailing the inquiry report dated 25.06.2018. And, no explanation, least plausible, was rendered to justify the delay in filing the petition. Further, cancellation of appointment has already been affirmed by the learned Single Bench in CWP-81-2017, vide its decision dated 30.08.2022.

And, as informed by the learned counsel for the appellants, the said order has not been assailed or challenged by the appellants.

In the circumstances, we do not find any infirmity or illegality in the order passed by the learned Single Bench dismissing the petition on the ground of delay and laches in view of the decision of the Supreme Court rendered 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*; *Union of India Vs. Virpal Singh Chauhan, (1995) 6 SCC 684*; *Union of India Vs. C.K. Dharagupta, (1997) 3 SCC 395*; *State of W.B. Vs. Tarun K. Roy (2004) 1 SCC 347*; *State of W.B. Vs. Debdas Kumar, 1991 Supp (1) SCC 138*; *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*; *State of J&K Vs. R.K. Zalpuri, (2015) 15 SCC 602*; *City & Industrial Development Corpn. Vs. Dosu Aardeshir Bhiwandiwalla, (2009) 1 SCC 168*; *Karnataka Power Corpn. Ltd. Vs. K. Thangappan, (2006) 4 SCC 322*; *State of M.P. Vs. Nandlal Jaiswal, (1986) 4 SCC 566*; *State of Maharashtra Vs. Digambar, (1995) 4 SCC 683*; *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.**

Accordingly, the appeal stands dismissed.

Since the main appeal itself has been dismissed, no formal orders are required to be passed in CM-374-2023.

(Ravi Shanker Jha)
Chief Justice

(Arun Palli)
Judge

08.02.2023
Rajan

Whether speaking / reasoned:	YES/NO
Whether Reportable:	YES/NO