

210

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-16850-1997
Date of decision: 08.04.2024

HAWA SINGH RATHEE AND OTHERS

...Petitioners

VERSUS

MUNICIPAL CORPORATION OF FARIDABAD AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. R. K. Malik, Senior Advocate with
Mr. Sandeep Dhull, Advocate for the petitioner.

Mr. Sikander Bakshi, Advocate for respondent No.1.

Mr. Narinder Singh Behgal, AAG, Haryana.

Mr. B. R. Rana, Advocate
for respondents No.48, 50, 51, 57, 62, 64, 74, 89, 95, 96,
655 to 661, 664 to 668, 670 to 690, 698 and 701 to 709.

JASGURPREET SINGH PURI, J. (Oral)

1. The present writ petition has been filed under Article 226 of the Constitution of India seeking issuance of a writ in the nature of *certiorari* for quashing the impugned appointments of respondents No.4 to 710.
2. Learned Senior Advocate appearing on behalf of the petitioners submitted that the present writ petition is of the year 1997 and the grievance of the petitioners at that point of time when the petition was filed was that in the respondent-Municipal Corporation, the Safai Karamcharis had gone on a strike from December, 1996 till March, 1997 and during that period, the respondent-Municipal Corporation had taken a decision to appoint the private respondents,

which are large in number. He further submitted that all those Safai Karamcharis who had gone on a strike thereafter, came back on duty although terminated at that point of time but they were adjusted at different places. He further submitted that so far as the present four petitioners are concerned, their only grievance at that point of time when the petition was filed was that the appointment of the private respondents was a backdoor entry but they were never working in the respondent-Municipal Corporation. He also submitted that now about 27 years have elapsed and since the prayer is for quashing the appointments of the private respondents, which are large in number, with the efflux of time, the cause of action would not survive because the number of years where the private respondents have been working is very large.

3. Learned counsel for respondent No.1-Municipal Corporation does not dispute the aforesaid position.

4. After hearing learned counsel for the parties, this Court is of the view that the present writ petition is of the year 1997 and so far as the present four petitioners are concerned, even otherwise also they did not have any locus to challenge the appointment of the private respondents because they were not working in the respondent-Municipal Corporation and they were not those Safai Karamcharis who were displaced. This Court, therefore, is of the view that after a period of about 27 years, it will not be just and proper to upset the appointment of the private respondents.

5. Consequently, the present writ petition is hereby dismissed.

(JASGURPREET SINGH PURI)
JUDGE

08.04.2024
Chetan Thakur

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