

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(101)

RSA No. 805 of 1993 (O&M)
Date of Decision : 02.02.2024

Tejinderpal Singh

...Appellant

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Dharam Vir Sharma, Senior Advocate with
Mr. Tushar Sharma, Advocate for the appellant.

Mr. Rohit Ahuja, Deputy Advocate General, Punjab.

Mr. Gaurav Sharma, Advocate for respondent No. 3.

Harsimran Singh Sethi J. (Oral)

1. The present regular second appeal has been filed challenging the judgment and decree of the lower appellate court dated 09.12.1992 by which the suit filed by the appellant-plaintiff was dismissed on the ground that the same was not maintainable at Kapurthala.
2. Learned senior counsel appearing on behalf of the appellant-plaintiff submits that respondent No. 3 after selection was posted at Kapurthala hence, the Court at Kapurthala had jurisdiction to decide the issue in question, which fact has been ignored by the lower appellate court while passing the judgment and decree dated 09.12.1992.
3. It may be noticed that the suit filed by the appellant-plaintiff was qua the selection of respondent No. 3 claiming that he was higher in merit than respondent No. 3 and had prior right for appointment to the post in question. It has already come on record that the entire selection

process, on the basis of which the appointment was being sought, took place at Chandigarh. Even the appointment order was issued in Chandigarh and even the appellant-plaintiff conceded in the evidence that he had applied for the post in Chandigarh and had appeared for the entire selection process in Chandigarh.

4. Learned senior counsel has not been able to justify as to how once every proceedings qua the selection on the basis of which the appellant-plaintiff was claiming appointment, happened in Chandigarh, the suit was maintainable at Kapurthala.

5. Further, the present appeal was filed seeking selection to the post in question in the year 1993 and the suit was filed in the year 1987 qua the selection of the year 1986. By this time, even the respondent No. 3, whose selection is under challenge, has retired.

6. Nothing has come on record whether even respondent No. 3 is alive or not.

7. Keeping in view the above, as no perversity has been pointed out by the learned senior counsel appearing on behalf of the appellant qua the judgment and decree impugned, no ground is made out for any interference by this Court in the present regular second appeal.

8. Dismissed.

Any miscellaneous application, if pending, stands disposed of.

February 2nd, 2024
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No