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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-7990-2024

Date of Decision:08.04.2024

ISHWAR SINGH

..... Petitioner

Versus

UNION OF INDIA AND OTHERS

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. Sumeet Singh Brar, Advocate for the petitioner.

Mr. Brijesh Singh Kanwar, Senior Panel Counsel
for the respondents-UIO.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking direction to respondents to permit him to join as Branch Post-Master (Dakpal).
2. The petitioner pursuant to an advertisement dated 20.12.2013 applied for the post of Branch Post-Master. He was considered for the said post available at Sikenderpur, Post Office, District Sirsa and Suchan Kotli, Post Office, District Sirsa. The respondent received 37 applications with respect to Post Office at Sikenderpur and 72 with respect to Suchan Kotli. No reserved seat for SC Category was available either at Sikenderpur or Suchan Kotli, thus, despite petitioner being member of Scheduled Caste Category was considered under General Category. His name did not appear in the merit list, accordingly, he was not selected. He filed Civil Suit No. CS/29/2020 before Civil Court at Sirsa which was dismissed vide order dated 23.12.2022.
3. Mr. Sumeet Singh Brar, Advocate submits that petitioner was wrongly rejected and he was fully eligible under SC Category. The

impugned order is contrary to information supplied under Right to Information Act. On being confronted with the fact that Civil Suit has been dismissed. He submits that as per his instructions, the suit was withdrawn. With respect to delay, he submits that though matter relates to appointments made in January’ 2014, however, impugned order was passed on 04.10.2023, thus, there is no delay.

5. As per reply, the selection process was completed in January’ 2014. The petitioner was not found in merit list. There was no post reserved for SC Category, thus, petitioner was considered under General Category. The petitioner approached Civil Court for the same grievance and as per petitioner, Civil Suit was withdrawn. There is nothing on record disclosing that suit was withdrawn with liberty to avail other remedies.

6. Supreme Court in State of *Orissa Vs. Laxmi Narayan Dass, 2023 SCC OnLine SC 825* has held that if suit is withdrawn without liberty, the aggrieved party for the same grievance cannot avail remedy of writ jurisdiction. This Court further finds that there is inordinate delay in approaching this Court. By order dated 04.09.2023, the respondents were directed to decide representation of the petitioner. The decision on representation does not wipe out delay. The selection process was completed in January’ 2014 and period of more than 10 years has expired. There is no plausible explanation for the said delay. The present petition deserves to be dismissed on the ground of dismissal of Civil Suit as well as delay. Accordingly, dismissed.

(JAGMOHAN BANSAL)
JUDGE

08.04.2024
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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No