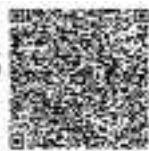


2024.PHHC.134085



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

106

CWP-13507-2024
Date of Decision: 15.10.2024

RAMPAL

... Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

... Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

Present: Mr. Gulshan Nandwani, Advocate
for the petitioner.

VINOD S. BHARDWAJ, J. (ORAL)

Prayer in the present petition is for directing the respondent No.3 to take strict legal action against respondent No.5, who got appointment to the post of peon by an alleged fraud as he mentioned his date of birth as 09.11.1964 at the time of application for appointment whereas his actual date of birth is 09.11.1958.

Learned counsel for the petitioner has vehemently argued that the petitioner had sought information under Right to Information Act, 2005 from Government Primary School, Village Khadagwas, Tehsil and District Rewari and the same was provided to him on 26.10.2020. He further submits that as per the school record, the date of birth of respondent No.5 is recorded as

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09.11.1958, however, he obtained the job by fraudulently mentioning his date of birth as 09.11.1964 in the application form for the said job.

A specific query was posed to the petitioner as to what is his grievance and how is he a party aggrieved so as to claim a locus to initiate a private cause action against respondent No.5 and that too in a service matter. Counsel has not been able to give any reason for initiation of the proceedings or submit his grievance.

The copy of application form dated nil (Annexure P-1) is stated to have been filled up by respondent No.5. There is no averment in the present petition as to what was the date of the abovesaid application form, when and where was the said form submitted. Even the said document reads 'Page 3' on top and as such, it is *prima-facie* an incomplete document and first two pages are definitely missing. It is also not available as to whether respondent No.5 was appointed pursuant to the submission of the said application form. There is also no description about when was the advertisement for the post of Peon issued. Still further, the terms and conditions of the advertisement are not available. There is nothing on record as to how the above page was obtained.

This Court asked the information since, if the date of birth of respondent No.5 is taken as 09.11.1964, he is likely to be superannuated in the month of November 2024 i.e. approximately within a period of one and a half month from today. As such, I find that the cause of action in the present case is stale; and the present petition is highly belated and seemingly just to settle his personal scores or it is a petition at the behest of some third party.



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Hence, I do not find any sufficient ground to exercise the powers under Articles 226/227 of the Constitution of India.

The present petition is accordingly dismissed.

OCTOBER 15, 2024.
rajender

(VINOD S. BHARDWAJ)
JUDGE

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