

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

2024.PHHC.064522-DB



(103)

**LPA-132-2022 (O&M)
Decided on : 09.05.2024**

Jagram

.....Appellant(s)

Versus

State of Haryana and others

.....Respondent(s)

**CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA,
ACTING CHIEF JUSTICE
HON'BLE MS.JUSTICE LAPITA BANERJI**

Present:- Mr. Aditya Yadav, Advocate for the appellant.

Mr. Deepak Balyan, Addl. AG, Haryana.

G.S. Sandhawalia, Acting Chief Justice (Oral)

Consideration in the present letters patent appeal is sought of the judgment of the learned Single Judge dated 14.09.2021 passed in CWP-18139-2021, whereby the writ petition filed by the appellant was dismissed. The learned Single Judge noticed that quashing of the order dated 12.05.2021 (Annexure P-10) was sought which was regarding complaint/representation with regard to recruitment to the post of Clerk in pursuance to Advertisement No.01/1986 and 04/1987.

2. The writ petitioner is stated to be belonging to the SC Category having a merit of 4013 in the said selection process, but apparently no benefit was granted to him of appointment. The learned Single Judge found that the

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directions for issuing the appointment letter were sought in pursuance of the order passed in **LPA-1509-2010** dated 09.11.2012 (Annexure P-2) with all consequential benefits. It was noticed that writ petition being filed in the year 2021, there was sheer colossal delay in the nature of relief being sought and, therefore, the learned Single Judge declined to exercise his extra-ordinary writ jurisdiction, which the writ petitioner was seeking for consideration for appointment to the post of Clerk. It was noticed that at that point of time the writ petitioner would have been 24 years old and when the writ petition was dismissed he would have been 58 years of age.

3. We have gone through the paper-book. It is apparent that the writ petitioner might have been an aspirant for the said post but only woke up on account of an order being passed in LPA-1509-2010 on 09.11.2012 wherein directions were issued that 103 number of vacancies which existed pertaining to the period from 15.10.1989 to 18.11.1995 were to be filled up strictly on the basis of the merit list prepared by the respondents. The above said directions had been issued by modifying the order of the learned Single Judge which was with regard to the benefit to be given to the writ petitioners alone. In such circumstances, persons who were not party would have also got the benefit of the said order.

4. It is apparent that the appellant on his own had never chosen to agitate for his grievances at any time qua the selection process 1986 and 1987. After the order of the Division Bench, he filed contempt petition bearing No.COCP-2763-2016, which was disposed as withdrawn with liberty to avail his remedy in accordance with law vide order dated 07.12.2016 (Annexure P-8). Thereafter, he started approaching the respondent and eventually the CM

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Window gave the information on 12.05.2021 (Annexure P-10) that his name in the office record as such was shown as Jagraj instead of Jagram. The appellant then chose to challenge the said order dated 12.05.2021 before the learned Single Judge, which as noticed was rejected on the ground of delay. Even during the intervening period also when the contempt petition was disposed of, the representation was only filed on 29.06.2020 (Annexure P-9) after a period of 4 years, on which information was supplied.

5. It is, thus, apparent that the appellant has never agitated for his grievances and now seeks to get the benefit of directions of the Division Bench. The Writ Court being an extra-ordinary writ jurisdiction, the lack of *bonafide* at this belated stage and the actual benefit which can be held out have also to be kept in mind. In such circumstances, we are of the considered opinion that the learned Single Judge was well within its discretion not to entertain the writ petition, while dismissing the same at the initial stage.

6. On an earlier occasion on 22.11.2023, the Coordinate Bench had also directed that the State should give information whether the judgment passed in LPA-1509-2010 has been complied with or not. We have perused the affidavit of the Secretary of the Haryana Staff Selection Commission in COCP-502-2013 (Annexure P-6), in which it has been mentioned that names of 103 candidates strictly on the basis of merit position in the merit list had been recommended by the Commission to the various departments for appointment to the post of Clerk. In such circumstances, we feel that the orders of the Division Bench had been duly complied with, which would be clear from the affidavit filed in the said contempt petition.



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7. Resultantly, we do not feel it is a fit case to interfere in the order of the learned Single Judge. The present letters patent appeal is hereby dismissed in limine.

**(G.S. SANDHAWALIA)
ACTING CHIEF JUSTICE**

09.05.2024
Naveen

**(LAPITA BANERJI)
JUDGE**

Whether speaking/reasoned :	Yes
Whether Reportable :	No