

**CWP-21927-2024**

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**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH****118****CWP-21927-2024****Date of decision:03.09.2024****JATINDER PAL SINGH****....Petitioner****VERSUS****STATE OF PUNJAB AND OTHERS****...Respondents****CORAM: HON'BLE MR. JUSTICE ALOK JAIN****Present :** Mr. Mohit Vashishat, Advocate
for the petitioner.***********ALOK JAIN. J.(Oral)**

1. The present petition has been filed under Article(s) 226/227 of the Constitution of India, for issuance of writ in the nature of mandamus for issuance of appropriate directions to the respondents to decide the application of the petitioner for compassionate appointment.

2. The Ld. Counsel for the petitioner submits the father of the petitioner namely Inderjit Singh who was a peon in the Respondent Department, unfortunately died on 25.08.1996. Thereafter the petitioner addressed the application/letter to the Deputy Commissioner for appointing him in service on compassionate ground with the Respondent Department, stating that he had applied for the job vide letter dated 29.10.2011 (which is not on record), but no action had been taken on his application, upon which the DC, Amritsar forwarded the letter dated 11.04.2022 (Annexure P-2) to Deputy Director of the concerned respondent department with direction to look into the matter in accordance with the law.

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3. Upon perusal of the record it become apparent that father of the petitioner passed away on 25.08.1996, almost 28 years ago. The petitioner, now age 56 years, being fully aware that his application for compassionate appointment was previously rejected, as is evident from the pleadings, although no copy of the rejection order has been produced on record. In spite of the said rejection, the petitioner has continued to address various communications to the authorities, ultimately culminating in this petition.

4. Ld. Counsel for the petitioner further submits that petitioner is currently earning his livelihood by operating an auto-rickshaw in Amritsar, and he has family to look after, however, this fact does not absolve the petitioner from the duty to act diligently and promptly in pursuing any legal remedy.

5. Heard learned counsel for the petitioner at length.

6. The claims made in the present petition are baseless, frivolous and constitute abuse of the judicial process. It is clear that the petition is based on false averments, and no cogent explanation has been provided for the substantial delay in approaching the court.

7. In view of the above, the present petition is devoid of any merit and the same deserves to be dismissed with the observation that there has been no reasonable explanation regarding inordinate delay in seeking relief. Furthermore, the order whereby the earlier application made by the petitioner to the Respondent-department was rejected is also not forthcoming and the same was never challenged by the petitioner. Moreover, the court has considered that the law aids those who are vigilant, not those who sleep on their rights—“*vigilantibus non dormientibus jura subveniunt*”, Thus, the petitioner has no right to approach the court after an inordinate delay without

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explaining the reasons for the delay.

8. From the facts of the case it is observed that Counsel for the petitioner has also duty to fully inform his client the correct legal position especially when such petitions are devoid of merits. A lawyer, as an officer of the court, is obligated to ensure that frivolous petitions are not filed and create unnecessary burden on the judicial system by misusing and abusing the process of law.

9. The Court is of considerate opinion that such petitions deserve to be dismissed with imposition of exemplary cost on the petitioner, but the court refrains from doing so as the petition appears to have been filed based on the incorrect legal advice by the counsel. Consequently, no cost is imposed.

September 03, 2024
Parul

(ALOK JAIN)
JUDGE

Whether speaking/reasoned.	:	Yes
Whether Reportable.	:	Yes