

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

216

CWP-3589-2018
Date of Decision: 09.01.2024

Dinesh Kumar ...Petitioner(s)

Versus

State of Haryana and others ...Respondent(s)

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present:- Mr. Parmod Chauhan, Advocate for the petitioner

Mr. Ravi Pratap Singh, DAG, Haryana

TRIBHUVAN DAHIYA, J. (Oral)

This petition has been filed, *inter alia*, seeking a writ of *mandamus* directing the respondents to appoint the petitioner on the post of Data Entry Operator/Clerk/Steno Typist (whichever is available) on contractual basis as his service was illegally terminated with effect from 01.10.2014, vide order dated 30.09.2014, ignoring the fact that his case had already been sent for regularization in service to the first respondent which was awaiting outcome of decision in CWP-17206-2014, *Yogesh Tyagi and another v. State of Haryana and others*.

2. Learned State counsel, by referring to the written statement, contends that the petitioner was engaged purely on contractual basis for six months with effect from 01.01.2011, and discontinued vide impugned order dated 30.09.2014, Annexure P-12, which was challenged by him after delay of

more than three years. This renders the petition not maintainable. He further contends that the petitioner’s case was never sent for regularization, as wrongly claimed in the petition.

3. There is no denial to the averments in the written statement, as no counter affidavit has been filed by the petitioner, nor has any other material been placed on record disputing the facts stated therein.

4. In this undisputed factual background, the petitioner is not entitled to claim reinstatement in service by way of issuing a writ of *mandamus*, that too after inordinate delay of more than three years which renders the petition itself not maintainable.

5. Dismissed.

(TRIBHUVAN DAHIYA)
JUDGE

09.01.2024
Payal

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>