

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

(109) **LPA-2163-2023 (O&M)**
Decided on : 13.02.2024

Ashok ChhibberAppellant(s)

Versus

Haryana Power Generation Corporation Ltd. & othersRespondent(s)

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

Present:- Mr.R.P.Singh Ahluwalia, Advocate for the appellant.

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

1. Consideration in the present appeal is to the order passed on 24.01.2019 by the Learned Single Judge in CWP-11472-2016 and the order passed in the review application dated 24.11.2023.
2. In principle, the Learned Single Judge has dismissed the writ petition on the ground of delay and laches and an effort was made to reopen it again by filing a review application. There is also an application for condonation of delay of 1755 days from the first order in filing the appeal which is to be taken into consideration.
3. The present case is a classic case regarding the system prevalent of deciding the representation mantra, reviving dead cases again which has been depreciated by the Apex Court in **The Govt. of India & another Vs. P. Venkatesh, 2019 (15) SCC 613** wherein it was held that disposing of representation mantra increases the litigation and pendency and the litigant is back again having incurred attendant costs and suffered delays of the legal process. In the said case, on account of directions issued by the Tribunal to

decide the representation for the relief of compassionate appointment regarding the death which had occurred in 1996 and the matter had been revived in the year 2006 leading to passing of speaking order in 2007 which resulted in creating a fresh ground of litigation. Apparently, the appellant retired as Technician on 31.05.2013. After his retirement, he approached this Court by filing CWP-20489-2013 whereby he sought the relief that he had been promoted at a later point of time and the seniority was to be shown above one Narottam Dutt. It was projected before the Learned Single Judge that the matter was pending before the Managing Director since April, 2002. Without even calling upon the respondents, though it was noticed that there was nothing to show that the appellant had protested against the tentative seniority list of Fitter as on 01.12.1998, direction was issued on 17.09.2013 to consider the representation by passing a speaking order.

4. As noticed, even if it is to be accepted that the matter was pending before the Managing Director since April, 2002, a period of more than a decade had gone by. Apparently, it was not brought to the notice of the Learned Single Judge that the appellant had superannuated as the order does not show the said fact. Resultantly, the order dated 08.04.2016 (Annexure P-8) came to be passed deciding the said representation wherein he had prayed for regularization of service from 1986 and giving the same benefits as done in the case of Narottam Dutt, Foreman. The only benefit which was granted is that giving the benefit of regularization from 09.10.1989 and the denial for promotion to the next higher post was done as Naresh Chander was senior to him and still working as Technician whereas he had already retired. In such circumstances, the Learned Single Judge dismissed the writ petition

on the ground of delay and laches vide order dated 24.01.2019 while noticing that regularization in other cases of Sham Lal, Narottam Dutt and Ramesh Chander was done in 1986 and 1989 and the appellant was claiming the relief only in 2013.

5. Still not satisfied, a review application was filed wherein also similar observations have been made on 24.11.2023 that the representation was only made on 09.04.2012 (Annexure P-6) which was at the fag end of the career as the appellant retired on 31.05.2013. Apparently counsel wants to take benefit of the fact that in the review order it has been mentioned that the benefit was given to the other employees in the year 2006. As noticed earlier, the regularization of the other employees was done wayback in 1986 which has also been mentioned by the Learned Single Judge in the order under review in the earlier part of the order and therefore, the argument now sought to be raised regarding the contradiction in the order of the Learned Single Judge is also misplaced.

6. In such circumstances, we are of the considered opinion that there is no irregularity or illegality in the order of the Learned Single Judge in dismissing the writ petition and the same does not require interference. Resultantly, the present appeal is hereby dismissed. All pending CM application(s) also stand disposed of.

(G.S. SANDHAWALIA)
ACTING CHIEF JUSTICE

February 13th, 2024

Sailesh

(LAPITA BANERJI)
JUDGE

Whether speaking/reasoned :	Yes	
Whether Reportable :		No