

2025:PHHC:016945



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CWP-3213-2025

Date of decision: 05.02.2025

RAJ SINGH

.....Petitioner

VERSUS

STATE OF HARYANA AND ANOTHER

.....Respondents

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

Present: - Mr. B.S. Mamli, Advocate
for the petitioner.

VINOD S. BHARDWAJ, J. (Oral)

Prayer made in the present writ petition is for directing the respondents to appoint the petitioner from the date when other similarly placed persons were appointed and to release all consequential benefits in the category of economical backward class.

2. Learned Counsel appearing on behalf of the petitioner contends that the notification for appointment to the post of 'Clerk' was issued by the respondent No.2-Haryana Subordinate Service Selection Board, Panchkula (as it was then). The petitioner applied thereto and appeared in the written examination held on 01.08.1988. The said process of making appointment was cancelled but the persons who cleared the examination filed the CWP-10582 of 1990 titled as "*Hans Raj and others versus State of Haryana and others*".

The said writ petition was disposed of by this Court vide order dated

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10.10.1990 whereby the respondent-Board was directed to make further appointments after preparing merit list in furtherance to observations and guidelines recorded therein. The State of Haryana preferred Civil Appeal No. 8020 of 1995 against the said judgment and on hearing both the parties, the Hon'ble Supreme Court passed an order whereby direction was given to issue appointment to the persons who have approached in terms of the order and guidelines. Counsel for the petitioner contends that despite the said order having been passed in the year 1998, the needful has not been done and that the repeated representations submitted by the petitioner remained unaddressed.

3. I have heard learned Counsel appearing on behalf of the petitioner and gone through the documents available on record.

4. Without commenting on the merits of the claim raised by the petitioner, it is not in dispute that the Civil Appeal was decided by the Hon'ble Supreme Court in the year 1998 approving the judgment passed by this Court. The petitioner sought information under the Right to Information Act and as per the letter dated 25.08.2015, the appointment was denied to the petitioner by the respondent-State on the ground that his candidature in the General Category was at 1100 while persons upto merit at 754 alone had been issued the letter of appointment. The petitioner came to this Court by way of CWP-33878 of 2024 which was withdrawn after arguing the matter for some time. No liberty to file any fresh petition was granted, when the order dated 16.12.2024, withdrawing the writ was passed, on the same cause of action. He has now approached this Court again for the relief of appointment despite withdrawal of writ petition earlier. The age of the petitioner, as per memo of parties, is 60 years. Hence, even if the writ petition was to be allowed, the



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petitioner could not be directed to be reinstated in service or to be given the benefits of pension and other consequential benefits as the petitioner never served in any capacity. The writ petition is accordingly **dismissed** being a belated attempt to revive a dead cause and also since there is no liberty availed by the petitioner to file a fresh writ petition after withdrawal of earlier writ petition on 16.12.2024.

5. This Court would have ordinarily imposed a cost on such a litigant who indulges in mis-adventures on change of roster, considering that it is the same counsel who has filed both these petitions, but refrain from doing so while giving an advisory to the Counsel.

(VINOD S. BHARDWAJ)
JUDGE

FEBRUARY 05, 2025
Vishal Sharma

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No