



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

107

CWP-29100-2024 (O&M)

Date of decision: 19.02.2025

Aslam Khan

...Petitioner

VERSUS

Union of India and others

...Respondents

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

Present :- Mr. Manoj Gujral, Advocate and
Mr. Gaurav Charya, Advocate for the petitioner(s).

Ms. Puneeta Sethi, Sr. Panel Counsel (through V.C.), and
Mr. Y.S. Thakur, Advocate for the respondent(s)-UOI.

VINOD S. BHARDWAJ, J. (Oral)

Challenging the order of rejection dated 19.04.2006 denying compassionate appointment to the petitioner, the instant writ petition has been filed in the year 2024.

Learned counsel appearing on behalf of the petitioner contends that father of the petitioner had passed away on 24.05.2003 leaving behind seven legal heirs including his widow, three daughters and three sons. The petitioner being 8th pass was unemployed and had submitted a request for compassionate appointment in the year 2003 which was rejected by the respondents on 19.04.2006. He contends that the said decision was, however, not conveyed to the petitioner. It is further argued that the petitioner sent various representations to the department but no fruitful purpose was served and vide letter dated 18.04.2015, it was informed that



his case was infact considered and rejected vide order dated 19.04.2006. He submits that even though the claim of the petitioner had been rejected on the basis of non-availability of sufficient vacancies within 5% quota and on account of delay, however, under similar circumstances, the respondents have given appointment(s) to certain other persons as per the information furnished to him by the respondents under RTI Act on 23.02.2017. He prays that the order of rejecting the claim of the petitioner thus should be set aside and the respondents be directed to offer appointment to the petitioner on compassionate ground.

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

Undisputedly, the claim of the petitioner was rejected in the year 2006 and the present writ petition has been filed by him only in the year 2024 i.e. after nearly 18 years of rejection of his claim. Even though it was expected from the petitioner to be vigilant in pursuing his claim and to approach this Court in a reasonable time, however, the petitioner chose not to take any further action or to pursue his request. The letter/reminder was submitted by him in the year 2015 to which the response was sent by the respondents on 18.04.2015 informing about rejection of his claim on 19.04.2006. The petitioner still did not take any action and waited for nearly 10 years before approaching this Court.

I am of the opinion in the present case, the claim of the petitioner is highly belated and barred by delay and laches. It is necessary that any person who wants enforcement of his right is required to approach



the Court of law within reasonable time. Any inordinate delay which is nothing more than fence sitting on the part of the petitioner would not give a continuous cause of action. The litigant loses his right to pursue his remedy in case he is not vigilant and does not pursue his rights diligently.

The present writ petition is accordingly **dismissed in limine**.

(VINOD S. BHARDWAJ)
JUDGE

19.02.2025

Mangal Singh

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No