

**IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH**

**CWP No. 14215 of 2015**  
**Date of decision : July 22, 2015**

**Devender Singh**

**..... Petitioner**

**Versus**

**State of Haryana and others**

**..... Respondents**

**CORAM: HON'BLE MR. JUSTICE AMIT RAWAL**

Present:- Mr. Vikas Lochab, Advocate  
for the petitioner.

\*\*\*\*

1. Whether reporters of local papers may be allowed to see the judgment ?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

**Amit Rawal, J (oral).**

The challenge in the present petition is to the impugned orders dated 2.11.2006 (Annexure P-5), 28.12.2006 (Annexure P-6) and 13.8.2007 (Annexure P-7) whereby the services of the petitioner had been terminated and the appeal/revision filed against the same has also been dismissed as back as in the year 2007.

Learned counsel for the petitioner submits that against the orders dated 2.11.2006 (Annexure P-5), 28.12.2006 (Annexure P-6) and 13.8.2007 (Annexure P-7) the petitioner had filed a Mercy petition (Annexure P-8) and the same was also dismissed on 22.8.2008 but the same was not communicated to the petitioner and the petitioner only came to know the same when he sought

information under the Right to Information Act, 2005 on 20.3.2015, and, therefore, has approached this Court with promptitude for vindication of his right. He submitted that the petitioner was arrayed as accused in a criminal matter and was simultaneously served with a charge sheet for alleged mis-conduct of consuming liquor and mis-behaving with an employee of owner of Mor filling Station, Kalayat. After holding enquiry the charges were proved and the services of the petitioner were terminated but at the best, a minor punishment could have been imposed. The petitioner had availed the remedy of filing Mercy petition. Since the petitioner was oblivious of the order passed way back in the year 2008 on acquiring knowledge by seeking information under the Right to Information Act, 2005, the writ petition has been filed.

I have heard learned counsel for the petitioner and appraised the paper book.

The aforementioned fact would reveal that the petitioner has exhausted all the remedies available under the Punjab Police Rules applicable to the State of Haryana by filing revision. There is no provision of filing Mercy petition. The petitioner did not challenge the order of punishment dated 2.11.2006 (Annexure P-5), order dated 28.12.2006 (Annexure P-6) passed in appeal and order dated 13.8.2007 (Annexure P-7) passed in revision and filed writ petition in the year 2015 after obtaining information under the Right to Information Act, 2005 that too in respect of an order dismissing the Mercy petition. The petitioner remained silent in not assailing or seeking vindication of his right for the last eight years and the fact

that the writ petition is conspicuously wanting as to what prevented the petitioner in not challenging impugned orders as way back in 2008.

The present writ petition is wholly misconceived as it is hit by doctrine akin to delay and laches. There is no merit in the writ petition. Accordingly the same is dismissed.

**(AMIT RAWAL)**  
**JUDGE**

**July 22 , 2015**  
**archana**