

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

Date of decision: 20.01.2015

CWP No. 18167 of 2013

Sukhdev Raj Sharma

----Petitioner

Versus

PSPCL and others

-----Respondents

Coram: Hon'ble Mr. Justice Harinder Singh Sidhu

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

Present: Mr. Sham Lal Bhalla, Advocate
for the petitioner.

Mr. Naveen S. Bhardwaj, Advocate
for respondents No. 1 and 2.

HARINDER SINGH SIDHU, J. (ORAL)

The petitioner was working as an Upper Division Clerk with the respondent-Corporation. Vide two separate orders dated 29.08.1997 (Annexure P-1) and 11.02.2004 (Annexure P-2), punishment of stoppage of two increments with cumulative effect and stoppage of one increment without cumulative effect was imposed.

The grievance of the petitioner in the writ petition is that he had filed appeals against the aforesaid orders but the said appeals had not been disposed of despite nine years having elapsed.

Notice of motion was issued.

In the reply filed by the respondents, it has been stated that during the pendency of the appeals, the petitioner was pre-maturely retired from service w.e.f. 29.09.2003. The appeal filed by the petitioner against the said order of pre-mature retirement was dismissed on 31.05.2004. The appeals filed by the petitioner were not taken up as those had been merged in the final retirement order. It is stated that after his pre-mature retirement, the petitioner did not pursue his appeals. Moreover, the petitioner has filed a civil suit and the same is pending before the Court of Civil Judge, (Jr. Division), Ludhiana and indirectly he has claimed similar relief in the said suit also.

The prayer of the petitioner cannot be accepted. The orders appealed against are of the year 1997 and 2004 respectively. If the appeals were not decided within reasonable time, the petitioner should have approached the appellate authority to take a decision on the appeals. There is no document on record, no application that he may have filed calling for early disposal of the appeal.

The stand of the respondents appears justified. After his pre-mature retirement, the petitioner lost interest in prosecuting the appeals. He cannot be permitted to raise this issue after a lapse of so many years.

There appears to be no merit in the petition and the same is dismissed.

(HARINDER SINGH SIDHU)
JUDGE

20.01.2015
Atul