

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

I.

Civil Writ Petition No.7002 of 2012

Date of decision: 8.9.2015

Bagicha Singh

... Petitioner

Versus

Govt. of Punjab and another

... Respondents

II.

Civil Writ Petition No.7478 of 2012

Kuldeep Singh

... Petitioner

Versus

State of Punjab and another

... Respondents

III.

Civil Writ Petition No.7485 of 2012

Dalbir Singh

... Petitioner

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr.Ashok Sharma Nabhewala, Advocate,
for the petitioner.

Mr.Inqulab Nagpal, AAG., Punjab.

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

RAJIV NARAIN RAINA, J. (Oral)

This order will dispose of the three captioned petitions as common questions of law and fact are involved in them which can conveniently decided by a common order. The facts are taken from CWP No.7002 of 2012 for convenience and the parties would be referred by their status in this petition.

Multiple punishments inflicted on the petitioner by disciplinary orders spread over the period from 1982 to 2002 were assailed in appeal before the Secretary, Department of Transport, Punjab who has dismissed the appeal as time barred by order dated 6th August, 2009 on appeal filed in the year 2007. The delay in approaching court in the year 2012 ranges from ten years to three decades from the original punishment orders which by any standards is enormous. Besides, the appeal was filed after about 5 years of the last adverse orders passed in the year 2002 which is also inordinately delayed without showing sufficient cause to make a belated approach in preferring the appeal.

I find no reasonable ground to hold that the decision of the appellate authority is incorrect or suffers from an error apparent on the face of record and would apply to these cases the law laid down in **State of Punjab v. Gurdev Singh**; AIR 1991 SC 2219 that limitation runs even against an adverse order which is void even arguendo they were so, but are not. If the limitation in bringing a civil suit to challenge such an order has run out it is prudent for the writ court not to interfere in a proceeding under

Article 226 of the Constitution of India. For the proposition, cf.; **State of**

Madhya Pradesh v. Bhailal Bhai and others, AIR 1964 SC 1006, the Constitution Bench authority of the Supreme Court holding that: “It appears to us however that the maximum period fixed by the legislature as the time within which the relief by a suit in a civil court must be brought may ordinarily be taken to be a reasonable standard by which delay in seeking remedy under Art. 226 can be measured.”

At this stage the counsel submits that if there are adverse orders against which remedies are not barred by delay and laches and rule of limitation or are yet not finalized and a civil remedy is still available or in cases where the rules provide for condoning delay, then the decision maker should still consider this aspect in accordance with law then this order should not preclude judicial redress. If such is the position then those orders will be dealt with in accordance with law.

With the above observations and the narrow liberty granted, all the petitions are ordered to stand dismissed.

A photocopy of this order be placed on the file of the connected cases.

(RAJIV NARAIN RAINA)
JUDGE

September 8, 2015

Paritosh Kumar