

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

102

Civil Writ Petition No.25074 of 2014

Date of Decision:21.04.2015

Harmail Singh

....petitioner

Versus

State of Punjab and others

.....respondents

CORAM: HON'BLE MR.JUSTICE ARUN PALLI

- 1.Whether Reporters of local papers may be allowed to see the judgement?**
- 2. To be referred to the Reporters or not?**
- 3. Whether the judgment should be reported in the Digest?**

Present: Ms.Kriteka Sheokhand, Advocate
for the petitioner

ARUN PALLI, J.(ORAL):-

A writ in the nature of certiorari is prayed for, to set aside the order dated 20.06.2013 (Annexure P2), passed by Director, Department of Transport, Chandigarh (respondent No.2). And also to quash orders dated 23.11.1982, 22.03.1985, 03.06.1986, 09.02.1993 and 14.05.2009 (Annexure P1), vide which 10 increments of the petitioner were stopped by the respondents.

The petitioner was engaged as a Conductor in Ludhiana Depot, with the respondent-Department and retired from service, on attaining the age of superannuation on 31.03.2012. As is made out from the petition, during service, vide separate orders passed by the authorities, certain increments of the petitioner were stopped as depicted hereinafter:

a. Order No.4031/TC dated 23.11.1982 stopping 1

annual increment permanently with CE without enquiry.

b. Order No.8100 dated 22.03.1985 stopping 3 annual increments permanently.

c. Order No.4130 dated 03.06.1986 stopping 3 annual increments permanently.

d. Order No.2259 dated 09.03.1993 stopping 2 annual increments permanently.

e. Order dated 06.08.1996-08/7684-26 dated 14.05.2009 stopping 1 annual increment permanently.

Being aggrieved, petitioner purports to have preferred an appeal before the Divisional Manager, Punjab Roadways, Ludhiana, who dismissed the same being time barred. Subsequently, he also preferred an appeal to the Director, State Transport Punjab, on 27.02.2011 (Annexure P1), but the same too was dismissed, vide order dated 20.06.2013 (Annexure P2), being barred by time, in the wake of Rule 17 of the Punjab Civil Services Rules (Appeal and Punishment) Rules, 1970 (for short 'the Rules'). That is how, the petitioner is before this Court.

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

On a due and thoughtful consideration of the matter in issue, I am of the considered view that the instant petition is devoid of merit and is thus, liable to be dismissed for the reasons that are being recorded hereinafter.

Ex facie, the petitioner was punished by the competent authority on different occasions, vide separate orders, for distinct

instances of misconduct preceeded by an enquiry. Each of the aforesaid orders extended a separate cause of action to the petitioner. Apparently, petitioner never chose to assail those orders, for years. Inaction, at the instance of the petitioner demonstrate that he not only accepted the orders, vide which his increments were stopped but also the financial repercussion arising therefrom. And with efflux of time, the said orders attained finality. Though, being aggrieved against the said orders, petitioner purports to have preferred an appeal before the Divisional Manager, Punjab Roadways, Ludhiana, that is alleged to have been dismissed, but, nothing is indicated as to when any such appeal was filed and dismissed by the Divisional Manager, Punjab Roadways, Ludhiana. The order passed in this regard has also not been placed on record. Not just that, a writ in the nature of certiorari is prayed for to quash the orders dated 23.11.1982, 22.03.1985, 03.06.1986, 09.02.1993 and 14.05.2009. However, none of these orders is placed on record. Be that as it may, appeal filed by the petitioner on 27.02.2011 (Annexure P1) before the Chief Secretary, State Transport Department, Punjab, Chandigarh was dismissed on 20.06.2013 (Annexure P2), as in terms of Rule 17 of the Rules, any such appeal could be filed within a period of 45 days.

Learned counsel for the petitioner could not point out as to how the conclusions recorded in the order dated 20.06.2013 (Annexure P2), is either contrary to the position on record or erroneous in law.

In the wake of the position as set out above, there

hardly exists any ground, to interfere with the order dated 20.06.2013 (Annexure P2), in exercise of extraordinary jurisdiction under Article 226 of the Constitution of India. The petition being devoid of merit is accordingly, dismissed in limine.

21.04.2015

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(ARUN PALLI)
JUDGE