

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

108

Civil Writ Petition No.25441 of 2014

Date of Decision:04.05.2015

Balbir 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: Mr.S.S.Sidhu, Advocate
for the petitioner

ARUN PALLI, J.(ORAL):-

A writ in the nature of certiorari is prayed for, so as to quash the order dated 17.02.2009 (Annexure P2), passed by Senior Superintendent of Police, Ferozepur, vide which one year service of the petitioner was permanently forfeited qua annual increment and also the order dated 10.09.2013 (Annexure P4), whereby the appeal preferred by the petitioner against the order dated 17.02.2009 (Annexure P2), was rejected by Deputy Inspector General of Police, Ferozepur Range, Ferozepur Cantt. Consequently, a direction is sought to the respondents to afford all the benefits i.e.promotion and

increments etc. to the petitioner, he was deprived of.

Accused Shiv Kumar son of Sawat Ram resident of Wariyam Khera, moved an application in the Court of Additional Sessions Judge, Ferozepur, and sought permission to enable him to submit his nomination papers to contest panchayat election. Permission was granted. Accused was permitted to submit the nomination papers at the office of SDM, Abohar. Petitioner i.e. Balbir Singh was deployed as escort guard with the accused and, it was under his supervision, that accused was to be taken only up to the office of SDM. However, on 16.05.2008, the petitioner instead took the accused Shiv Kumar to his village i.e. Wariyam Khera. He accompanied the accused in civil dress along with the government weapon. That being so, the petitioner was charge sheeted, and, was found guilty in a departmental inquiry. The competent authority issued him a show cause notice and proposed as to why his three years' approved service be not forfeited for annual increments which was duly replied to. However, on a consideration of the matter, respondent No.3, by taking a lenient view, forfeited his only one year permanent service for annual increments, vide order dated 17.02.2009 (Annexure P2). The appeal preferred by the petitioner against the order of punishment dated 17.02.2009 (Annexure P2), was dismissed vide order No.6/97/2013-5 G.S.-3, dated 18.05.2012, being abnormally barred by time. Concededly, petitioner never chose to assail the said orders any further, and thus, the same attained finality with efflux of time. The order dated 10.09.2013 (Annexure P4), which too is assailed in the present petition, reveals that

petitioner again filed an appeal against the order of punishment dated 17.02.2009 (Annexure P2), and the said appeal was disposed of with an observation that the appeal filed by the petitioner even earlier was considered by the Punjab Government, Branch Home Affairs-3, Chandigarh, and dismissed. Ex facie, the order being assailed i.e. dated 17.02.2009 (Annexure P2) was passed over six years ago. Appeal preferred against the said order too was dismissed on 18.05.2012, as it suffered from gross and inordinate delay. Filing another appeal, when the earlier appeal had already been considered and dismissed by the government, was hardly of any consequence and meaning in law. Order dated 10.09.2013 (Annexure P4) could hardly be termed as an order as it does not decide or determine the rights of the petitioner. In fact, it is merely a communication, vide which the petitioner was communicated that his appeal preferred against the order of punishment dated 17.02.2009 (Annexure P2) already stood dismissed. Thus, does not provide any true cause of action. Meaning thereby, order of punishment dated 17.02.2009 (Annexure P2) is being assailed after over 6 years. And order dated 18.05.2012, vide which the appeal preferred by the petitioner against the order of punishment dated 17.02.2009 (Annexure P2) was dismissed being time barred, is not even under challenge in this petition. Even a copy thereof has not been placed on record. Apparently, petition suffers from gross, inordinate and unexplained delay and therefore is liable to be dismissed on that score alone.

In the wake of the position, as sketched out above, no

interference in exercise of extraordinary jurisdiction under Article 226 of the Constitution of India, is warranted. The petition being bereft of merits is accordingly dismissed.

04.05.2015

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(ARUN PALLI)
JUDGE