

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Civil Writ Petition No.8931 of 2015

Date of Decision: May 07, 2015

Ram Lal

....Petitioner

versus

Union of India and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.
HON'BLE MR.JUSTICE P.B.BAJANTHRI.

Present: Mr.Maninder Singh Dhindsa, Advocate,
for the petitioner.

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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?

Surya Kant, J. (Oral)

The petitioner joined the respondent-authorities as a Saffaiwala in the Sanitation Department in September, 1979. He was involved in a criminal case of theft in the department which took place in the year 1985. It is alleged that due to involvement in that criminal case, petitioner's services were terminated vide order dated 19.03.1986. The petitioner was acquitted in the criminal case on 14.05.1991. He then represented the authorities, followed by a legal notice seeking his reinstatement in service. The petitioner heard nothing from the authorities, hence he filed a civil suit at Pathankot on

21.12.1999. The civil suit was dismissed on 11.10.2003 for want of jurisdiction as the service dispute was triable by the Central Administrative Tribunal.

The petitioner alleges that he was never informed by his counsel about the dismissal of suit till the year 2007. He then instructed his counsel to file a petition before the Tribunal which was inadvertently not filed. In June, 2014, the petitioner statedly came to know that the case was never filed before the Tribunal. He then engaged another counsel and filed the Original Application before Central Administrative Tribunal, Chandigarh Bench in July, 2014 which has been dismissed being hopelessly time barred, vide order dated 03.03.2015.

Still aggrieved, the petitioner has approached this Court.

We have heard learned counsel for the petitioner at considerable length and gone through the records.

In our considered view, no interference in the order passed by the Tribunal is called for. The petitioner cannot absolve himself from the sheer negligence in not finding out from his advocate; firstly, the fate of the civil suit which he himself had chosen to file and the next course of action, namely, the petition before the Tribunal. Mere

accusation or bald allegation against an advocate, whose particulars are conspicuously missing in the petition, the petitioner cannot gain sympathy of the court nor it constituted a valid ground for the Tribunal to condone the delay running into years.

The petitioner apparently took the litigation casually; allow the grass to grow under his feet and then started accusing the advocate without disclosing the material particulars.

No case to interference with the impugned order passed by the Tribunal is made out.

Dismissed.

[SURYA KANT]
JUDGE

May 07, 2015
mohinder

[P.B.BAJANTHRI]
JUDGE