

*IN THE HIGH COURT FOR THE STATES OF PUNJAB
AND HARYANA AT CHANDIGARH.*

LPA No. 1700 of 2013. [O&M]
Date of Decision: 01st April, 2015.

Mahi Pal Singh Chauhan

Appellant through
Mr. Jai Vir Yadav, Advocate

Versus

Punjab National Bank & Anr.

Respondents through
Mr. Jainainder Saini, Advocate.
Mr. Arvind Rajotia, Advocate.

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

- 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.

This Letters Patent Appeal assails the order dated 11.03.2013 whereby the appellant's writ petition in which he sought a direction for the release of salary for the period from 01.11.2003 to 13.10.2005, has been dismissed by learned Single Judge primarily on the ground of inordinate delay and laches.

[2]. The facts may be noticed briefly.

[3]. The appellant joined the Punjab National Bank as a Clerk-cum-Cashier. He was promoted to JMG-Scale-I and was allocated to Bihar Zone. He was posted in the Branch at Mali, District Aurangabad [Bihar] in the year 1999. He served there up to 08.08.2002 when he was transferred and posted in the Chandigarh Circle.

[4]. Soon after his transfer to Chandigarh Circle, an FIR was got registered against the appellant on 05.09.2002 by the District

Administration, under Sections 409/420/120-B/34 of the Indian Penal Code at Police Station, Mali. It appears that the appellant did not join investigation and/or he was absconding, due to which the Chief Judicial Magistrate, Aurangabad issued Warrants of Arrest on 02.06.2003 and vide another order dated 26.09.2003 Warrants of Attachment were also issued.

[5]. The appellant's failure to comply with the above stated orders prompted the Bihar Police to approach the Management of the Bank.

[6]. Consequently, the Punjab National Bank, Yamuna Nagar Branch issued an order dated 27.11.2003 [P-1/C] informing the appellant that Higher Authorities have advised not to allow the appellant to join duties and that he should report to the Court as per letters given by the Police Authorities. The above stated order was addressed to the appellant only.

[7]. The fact that the appellant had full knowledge of the order dated 27.11.2003 is evident from contents of his representation dated 26.05.2004 [P-7] whereby he requested to issue Roll Number to enable him to appear for the promotional Test under Channel-III.

Relevant extracts of the representation are reproduced as under:-

“Vide letter dated 27.11.2003 from B/O M.T.Yamuna Nagar, I am not being allowed to join duties reportedly under some order from court. I have not been provided with the copy of any such court order till date inspite of my repeated requests. Also I am not being allowed to join my duties w.e.f. 27.11.2003 and no salary is being paid from the date”.

[8]. The Bank rejected the above stated representation vide reply dated 27.05.2004 [P-8] which says that *“this is to inform you*

that the authorities as IZO Chandigarh has not taken action on your captioned application for the aforesaid selection as you have not acted as instructed earlier vide our letter dated 27.11.2003”.

[9]. This is a fact that after the appellant was exonerated in the criminal proceedings, he was allowed to assume duties w.e.f. 13.10.2005.

[10]. It further appears that the appellant was charge-sheeted on 25.02.2005 on the allegations of committing lapse and irregularities in the matter of sanctioning/disbursing loans to borrowers and initially he was dismissed from service, though it also appears from the written statement that later on the punishment was modified and he was reduced in rank.

[11]. Be that as it may, the claim raised by him in the writ petition filed in the year 2010 was for payment of salary for the period from 1.11.2003 to 13.10.2005. He attempted to cover-up the delay claiming that the order stopping his salary was not conveyed to him. This is not factually correct as in 2004 itself the appellant had full knowledge of contents of the order dated 27.11.2003. By the time he approached the writ Court, even civil suit for recovery was barred by limitation. In these circumstances, the view taken by the learned Single Judge does not call for any interference.

[12]. Dismissed.

(SURYA KANT)
JUDGE

01st April, 2015.
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(P.B.BAJANTHRI)
JUDGE