

**In the High Court for the States of Punjab and Haryana, at
Chandigarh**

...

LPA No.1182 of 2014

Date of Decision: August 25, 2015

S. Balvir Singh

....Appellant

Versus

Shiromani Gurdwara Prabandhak Committee and others

....Respondents

Coram: **Hon'ble Mr. Justice Satish Kumar Mittal**
Hon'ble Mr. Justice Mahavir S. Chauhan

Present: Mr. Arshdeep Singh, Advocate,
for the appellant.

Mr. Harnek Singh, Advocate, for
Mr. A.S. Virk, Advocate,
for respondents No.1 and 2.

Mr. S.S. Mattewal, Advocate,
for respondent No.3.

1. Whether to be referred to Reporter? Yes/No
2. Whether the judgment should be reported in the
digest ? Yes/No

Mahavir S. Chauhan, J.

This intra Court appeal under Clause X of the Letters Patent is directed against order dated 23.01.2014 whereby the learned Single Judge has dismissed Civil Writ Petition No.1204 of 2014 on the ground of delay and laches.

The aforesaid Civil Writ Petition was brought by appellant-Balvir Singh to challenge resolution dated December 29,

2007 (Annexure P-5) whereby Gurdwara Sahib Pathshai Chheveen-respondent No.3 herein, has terminated services of the appellant as '*Granthi*' of the Gurdwara.

The misconduct of the appellant that led to passing of the aforestated resolution by the respondent Committee was that while working as a '*Granthi*' in the aforestated Gurdwara, he locked the Gurdwara and took illegal possession thereof on 27.11.2007. He continued to be in illegal possession of the Gurdwara even on 29.12.2007. With the concurrence of Shiromani Gurdwara Prabandhak Committee, Amritsar, appellant was placed under suspension and was served with a chargesheet. Even a publication was issued in daily Spokesman on December 31, 2007. Chargesheet was also sent to the appellant through registered post. However, he did not submit any reply to the chargesheet. In the circumstances, services of the appellant were terminated.

To challenge resolution dated December 29, 2007, appellant filed writ petition on 23.01.2014, i.e., after more than six years of its passing. As such the writ petition has rightly been dismissed as no explanation for the delay is coming forth.

Even otherwise, in view of the misconduct of the appellant, as noticed in the impugned resolution (Annexure P-5) and failure of the appellant to submit any explanation thereto in spite of the chargesheet having been served upon him through registered post and by way of publication thereof in daily newspaper, we do not find any illegality in the order of termination of his services and in the order passed by the learned Single Judge

dismissing the writ petition of the appellant.

In view of the above, particularly the fact that misconduct alleged against the appellant is very serious in nature and has remained un-controverted, no fault can be found with dismissal of the writ petition on the ground of delay and latches.

In the consequence, the appeal fails and is dismissed.

(SATISH KUMAR MITTAL)
JUDGE

(MAHAVIR S. CHAUHAN)
JUDGE

August 25, 2015
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