

Letters Patent Appeal No.1311 of 2015 (O&M) 1

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

Letters Patent Appeal No.1311 of 2015 (O&M)
Date of Decision: 5.11.2015

Harmail Singh ..Appellant

versus

State of Punjab and others ..Respondents

CORAM: HON'BLE MR. JUSTICE RAJIVE BHALLA
HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Onkar Rai, Advocate, for the appellant.

RAJIVE BHALLA, J.

CM No.2790 of 2015

Prayer in this application is to condone delay of 36 days
in refiling the appeal.

Heard.

For reasons stated in the application and arguments
addressed, the application is allowed and delay of 36 days in refiling
the appeal is condoned.

CM No.2791 of 2015

Prayer in this application is to condone delay of 06 days
in filing the appeal.

Heard.

For reasons stated in the application and arguments
addressed, the application is allowed and delay of 06 days in filing
the appeal is condoned.

Letters Patent Appeal No.1311 of 2015

The appellant challenges order dated 21.4.2015, whereby his writ petition for quashing orders dated, 23.11.1982, 22.3.1985, 03.06.1986, 09.2.1993, 14.5.2009 and 20.6.2013, directing stoppage of 10 increments, has been dismissed.

Counsel for the appellant submits that though the appellant was punished with stoppage of annual increments by separate orders and his appeal, including appeals against these orders, have been dismissed as barred by time but as similarly situated conductors have been granted relief on the basis of representations, the appellant cannot be treated differently.

We have heard counsel for the appellant, perused the impugned orders and find no reason to entertain the appeal.

The appellant was working as a conductor in the Ludhiana Depot of Punjab Roadways. The following punishments were imposed over a period of time:-

- a. Order No.4031/ TC dated 23.11.1982 stopping 1 annual increment permanently with CE without enquiry.
- b. Order No.8100 dated 22.3.1985 stopping 3 annual increments permanently.
- c. Order No.4130 dated 03.06.1986 stopping 3 annual increments permanently.
- d. Order No.2259 dated 09.3.1993 stopping 2 annual increments permanently.
- e. Order dated 06.08.1996-08/7684-26 dated 14.05.2009 stopping 1 annual increment permanently.

A perusal of the above table reveals that orders of punishment pertain to different years, starting from 1982 upto 2009. Copies of these orders were not appended with the appeal or with the writ petition. The appellant appears to have filed appeals after his retirement. The appeals were dismissed by the Divisional Manager, Punjab Roadways and the Secretary of the Department as barred by time. The appellant's grievance that as similarly situated conductors have been granted relief on the basis of representations/appeals, by condoning delay, he should have been treated similarly, does not merit acceptance as orders passed by the respondents in other cases arise from different facts and even otherwise, do not appear to be legally tenable. Admittedly, orders passed against the petitioner starting from the year 1982 were not challenged within time. Dismissed.

(RAJIVE BHALLA)
JUDGE

(AMOL RATTAN SINGH)
JUDGE

05.11.2015
VK