

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

**CWP No.15107 of 2016 (O&M)
Date of decision : September 27, 2016**

B.B. Kaushik

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Petitioner in person

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

KULDIP SINGH J. (ORAL)

Petitioner has produced the copy of the order dated 09.05.2000, vide which the penalty was imposed upon him. He also produced the copy of order dated 21.12.1999, vide which a show cause notice was served upon him. Both the orders are taken on record.

Heard.

Petitioner while working as Sub Divisional Officer (Civil) at Sirsa was charge-sheeted vide memo No.40/41/93-S(I), dated 21.06.1995. The Inquiry Officer was appointed. The Inquiry Officer held the petitioner guilty of charge No.3. Thereafter, after issuing him show cause notice, the Chief Secretary to the Government of Haryana passed the impugned order dated 09.05.2000, vide which punishment of stoppage of one increment without cumulative effect was imposed upon the petitioner.

It also comes out that earlier the petitioner filed CWP No.4306 of 2001, which as decided by a coordinate Bench of this Court on 08.07.2015. In the said petition, the petitioner challenged the adverse

remarks recorded in the ACR for the year 1991-92 and sought expunging of the said remarks. The said adverse remarks were expunged. The petitioner again filed CM No.10868 of 2015 (Annexure P-4) in the said writ petition, in which the petitioner sought modification of the order dated 08.07.2015. However, in the said writ petition, the present/impugned order dated 09.05.2000 is not recorded to have been challenged.

The petitioner has insisted that the said order was also challenge but not mentioned in the said order. The said plea of the petition is not acceptable. In the said order, no relief has been granted regarding the the impugned order, therefore, even assuming that impugned order dated 09.05.2000 was challenged in CWP No.4306 of 2001, the same is deemed to have been declined.

If there was some error in the said order, the petitioner should have sought modification of the said order. There is no reason why the modification of the said order was not sought regarding order dated 09.05.2000. The fact that in the aforesaid application of modification also, no mention was made to impugn the order dated 09.05.2000, goes to show that the said order was never challenged. The petitioner cannot be allowed to split up his claim. Now, after 16 years, the petitioner has come before this Court for challenging the order dated 09.05.2000.

Petitioner has argued that he had made representation before the Chief Secretary on 26.04.2016 for granting him consequential benefits. The Chief Secretary had already passed the impugned order. There is nothing on file to show that the impugned order was ever challenged by way of appeal.

The competent authority applied its mind to the facts of the case and held that charge No.3, which pertains to irregularity regarding proposal to sell a piece of land measuring 80 sq. yards situated at Circular Road, Sirsa, is proved.

The present petition is apparently barred by delay and latches and also by the principle of splitting up the claim.

Thus, there is no ground to interfere in the impugned order.

As such, the present petition is dismissed.

(KULDIP SINGH)
JUDGE

September 27, 2016

sarita

Whether speaking / reasoned Yes

Whether Reportable: No