

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

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**CWP No. 20975 of 2016(O&M)
Date of decision:06.10.2016**

Pritpal Singh

.... Petitioner

Versus

Union of India and others

.... Respondents

CORAM: Hon'ble Mr. Justice P.B. Bajanthri

Present: Mr. Narender Singh Kamboj, Advocate for the petitioner.

P.B. Bajanthri, J. (Oral)

In the present petition, the petitioner has prayed for restoration of his status as a Driver or in the alternative seeking to grant retiral benefits.

2. It is submitted that he was stated to have been appointed in the India Army on 20.12.1955 and thereafter, he was kept in reserve on 24.12.1970. In the meanwhile, on 20.12.1965 he was appointed as a Civil MT Driver. Consequently, he was made permanent on 01.01.1979.

3. He was suffering from certain illness. For that purpose treatment was required from the hospital in Germany. In this regard, he has requested the authorities to permit him to avail leave and permission to go to Germany. The same was not considered by the concerned authority. He had submitted leave for a period from 26.11.1979 to 31.05.1980. The same was restricted by the competent authority that petitioner can avail earned leave from 26.11.1979 to 31.03.1980. The petitioner is stated to have returned from Germany only in the year 1982. By that time, his services have been removed for remaining unauthorized absent. Consequent upon

removal from service, the petitioner submitted mercy petition/appeal before the competent authority. The same was rejected in the year 1984. Thereafter, the petitioner had not taken any steps to challenge the order of removal from service passed in the year 1980 or rejection of his mercy appeal in the year 1984. On 01.02.1991, he had sent a legal notice. Thereafter, on 17.09.2015 he submitted representation. Reply was given to him. Further he has sent a legal notice on 20.07.2016 followed by representation dated 07.10.2015. His representation was rejected on 20.10.2015.

3. In the present petition, the petitioner is seeking for restoration of his status as a Driver or in the alternative seeking to grant retiral benefits. It is to be noted that the petitioner has failed to challenge the validity of the removal order, rejection of mercy appeal, rejection of legal notice. Thus, removal, from service penalty has attained finality. Consequently, petitioner is not entitle to restoration of his status in the respondent Department or entitle to retiral benefits.

4. In view of the above facts and circumstances, the petition is hopelessly barred by limitation as well as latches on the part of the petitioner. Therefore, the petition is dismissed on the ground of delay and latches.

06.10.2016

pooja saini

**(P.B.BAJANTHRI)
JUDGE**

Whether speaking/reasons

Yes/No

Whether Reportable:

Yes/No