

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

Date of decision: 15.02.2016

CWP No.24371 of 2015

Rupinder Singh

...Petitioner

Vs.

State of Punjab & others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Sukhjit Singh, Advocate,
for the petitioner.

RAJIV NARAIN RAINA, J. (ORAL)

The petitioner, a Constable in Punjab police, was dismissed from service on 14th June, 1996 after holding a departmental enquiry in which the charge of misbehavior with the senior was proven. His appeal before the Deputy Inspector General of Police, Ludhiana Range, Ludhiana against the dismissal order was rejected on 21st July, 1997. The petitioner has approached this Court in November, 2015 praying for directions to the respondents to decide his mercy petition filed on 4th August, 2014 before respondent No.3 – the Principal Secretary (Home), Punjab, Department of Home Affairs and Law and Justice pleading that the punishment is excessive for a first time offender. Even if it is accepted that the remedy before the 3rd respondent is statutory in nature and recognized by Rules, the approach through a mercy petition filed after 17 years suffers from enormous delay and slumbering over the same period involves laches, which both are by now insuperable hurdles in the way of the petitioner in claiming relief of reinstatement in service. The limitation period prescribed in the Limitation Act, 1963 to question the adverse order in a

civil Court has run out long years ago. It is, therefore, not possible to accept the prayer of the petitioner that a mandatory direction should go to 3rd respondent to decide the mercy petition dated 4th August, 2014 (Annexure P-5). This Court has to guard itself at all times against the penchant towards indiscriminate directions issued to the functionaries of the State to decide representations and memorials presented after long lapse of time in dead claims and stale matters, lest an impression goes that this Court condones the delay or creates a fresh cause of action in favour of the litigant before it, who has slept over his rights for a number of years and let things happen. The dockets of this court ought not to be choked by the indolent whose right to sue may have lapsed by passage of time. No ground for interference is made out. A direction would not issue to the respondents compelling them to decide a non-statutory appeal in the circumstances. If the appeal is statutory in nature even then it would suffer expiry of limitation periods prescribed in the rules designed for timely presentation of grievances especially when third party rights keep settling in which reinstatement may bring to unsettle settled things. A mandamus would not issue to the Home department to wake it up after the enormous delay commanding it to reopen for re-examination a case involving disciplinary action based on an inquiry establishing major misconduct. The petition is accordingly dismissed.

[RAJIV NARAIN RAINA]
JUDGE

15.02.2016
Vimal