

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

CWP No.23686 of 2016

Decided on : 17.11.2016

K.S.Ghuman

... Petitioner

Versus

State of Punjab & others

... Respondents

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present: Mr.Atul Goyal, Advocate, for the petitioner.

Mr.Rajesh Punj, Advocate, for caveator/respondent No.3.

G.S. Sandhawalia, J. (Oral)

Challenge is to the order dated 30.07.2012 (Annexure P5) and 21.08.2012 (Annexure P6), whereby the respondent-Commission had directed the State to supply information to respondent No.3.

Counsel for the petitioner very fairly submits that since the State had challenged the said orders in CWP-17851-2012, which was dismissed on 08.08.2016 (Annexure P9), the petitioner had not opted to challenge the same at that point of time.

Apart from the *locus standi* of the State to challenge the orders, this Court also held on 08.08.2016 that in view of the *inter se* service dispute between the parties, namely, the petitioner and respondent No.3 and in view of the findings recorded by the Apex Court, the denial of information would not be in the larger public interest. Resultantly, this Court is of the opinion that the petitioner is not entitled to challenge the orders on the ground of limitation also. At that point of time, the petitioner chose not to file the writ petition. If he was aggrieved by the said orders, it was always open to him to file an independent writ petition, however, he chose to take the benefit of the stay order granted in the writ petition filed by the State.

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CWP-23686-2016

-2-

The curtains on the proxy litigation, thus, which was being conducted through the State, came down on 08.08.2016 (Annexure P9). It is, thereafter, the present writ petition had been filed and accordingly, the petitioner is also estopped from challenging the orders, at this stage. It has been time and again held that writ petition has to be filed at the earliest. In this case, the petitioner chose not to challenge the orders and had accepted the findings, as such, for over 4 years. It is settled principle of law that for those who are not vigilant, the Courts will not have different principles of limitation and exercise its discretionary powers.

Thus, for the additional reason, this Court is of the opinion that the present writ petition, at the instance of the petitioner, is not maintainable, at this belated stage and the same is, hereby, dismissed in limine.

NOVEMBER 17th, 2016
sailesh

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No