

“16.2. Dismissal.- (1) Dismissal shall be awarded only for the gravest acts of misconduct or as the cumulative effect of continued misconduct proving incorrigibility and complete unfitness for police service. In making such an award regard shall be had to the length of service of the offender and his claim to pension.”

CWP No. 24519 of 2016 (O/M)

I am of the view that when the dismissal order was passed on 18.12.1990, all the facts were considered by the competent authority. The appeal was dismissed on 13.6.1991. If the employee was aggrieved of the said dismissal order, he should have moved the Court within limitation. However, no petition was filed by the said Ex-Constable Vinod Kumar during his life time. Now, after the death, the wife is coming for seeking modification of the orders. The learned counsel for the petitioner contends that for the pension cases, there is no limitation. However, it is not a case of pension. Here, the petitioner seeks the modification of the impugned orders passed in the years 1990 and 1991. Now, after 25/26 years of the passing of the said orders by the punishing authority and the appellate authority. The present writ petition is badly barred by delay and latches. Therefore, the present writ petition is dismissed.

(KULDIP SINGH)
JUDGE

29.11.2016
sjks

Whether speaking / reasoned : Yes

Whether Reportable : No