

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 24712 of 2016 (O/M)
Date of decision : 1.12.2016

Smt. Suresh Petitioner (s)

Versus

State of Haryana and others Respondent (s)

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Balraj Singh Rathee, Advocate, for the petitioner.

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 ?
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KULDIP SINGH J. (ORAL)

Ex-Constable Baljeet Singh, the husband of the petitioner, was working in the Haryana Police since 2.7.1982. He was dismissed from service on 20.2.1992. It comes out that during his lifetime, the said Ex-Constable Baljeet Singh did not challenge the said dismissal order. He died on 14.2.2015. Now, the widow of late Ex-Constable Baljeet Singh has filed this writ petition, impugning the said dismissal order dated 20.2.1992 (Annexure-P-1), praying that it should be treated as compulsory retirement since her husband had served in the department for more than nine years and five months.

The learned counsel for the petitioner relies upon the authorities of the Apex Court in S.R. Bhanrale Versus Union of India and others, AIR 1997 Supreme Court 27, S.K. Mastan Bee Versus The General Manager, South Central Railway, 2003 (1) SCC 184 and Madhukar Versus State of Maharashtra and others, 2014 (15) SCC 565 and authority of this Court in Hoshiar Singh Versus Union of India, 2006 (3) SCT 653. None of

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the above cases relate to challenge the dismissal order.

In this case, the dismissal order was passed on 20.2.1992. Ex-Constable Baljeet Singh remained alive till 13.2.2015 and did not challenge the said order. Now, the period of 24 years have elapsed and after 24 years, the petitioner is claiming her rights through her husband.

The learned counsel for the petitioner has further argued that Ex-Constable Baljeet Singh after dismissal from service suffered mental illness. However, there is no proof to the effect that he was mentally ill after dismissal and that from which date he became mentally ill and was unable to pursue his remedy. The present writ petition is badly barred by delay and laches. The same is accordingly dismissed.

(KULDIP SINGH)
JUDGE

1.12.2016
sjks

Whether speaking / reasoned : Yes

Whether Reportable : No