

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

LPA-2285-2016 (O&M)

Date of Decision: November 28, 2016

Raghu Nath Singh

.....Appellant

Versus

The State of Haryana and others

.....Respondents

**CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR. JUSTICE SUDIP AHLUWALIA**

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| 1. | To be referred to the Reporters or not? | Yes/No |
| 2. | Whether the judgment should be reported in the Digest? | Yes/No. |
| 3. | Whether Reporters of local papers may be allowed to see the judgment? | Yes/No |

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Present: Mr.P.L.Verma, Advocate
for the appellant.

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SURYA KANT, J.

This Letters Patent Appeal assails the order dated 19.09.2016 vide which the learned Single Judge has dismissed the appellant's writ petition primarily on the grounds of delay and laches and acquiescence on his part.

The appellant was working as a regular Patwari. He was allegedly caught red handed on 01.03.1994 while taking bribe of Rs.150/-. He was arrested and consequentially placed under suspension.

The Special Judge, Faridabad, vide judgement dated 01.12.1997 extended the benefit of doubt and acquitted the appellant in the criminal case. Thereafter the appellant is said to have represented in the year 2001 for his reinstatement in service. There is nothing on record to suggest that he pursued his claim with the authorities.

The Deputy Commissioner, Palwal, finally re-instated the appellant in service on 25.11.2008. He, thereafter retired from service on

It is after his retirement that the appellant raised his claim for grant of pay and emoluments for the period during which he remained under suspension. His representation having been declined, he filed the writ petition which has been dismissed by the learned Single Judge.

We have heard learned counsel for the appellant at a considerable length. He has made efforts to explain that delay is not attributable to the appellant. We are, however, not convinced with the submission, for if there was no charge-sheet or any other criminal case pending against the appellant, he was expected to represent the superior authorities and if there was none to redress his grievances, to approach the Court of law within some reasonable period. No such administrative or judicial action was taken by the appellant. What it appears is that he conveniently continued to enjoy 75% subsistence allowance till he was reinstated and it is only after his retirement when he was sure that no departmental action could be taken against him, that he raked up the stale claim.

The appellant cannot cover up his own inaction on the plea that the authorities took almost ten years in reinstating him. He has to explain his own diligence to persuade the Court of equity for granting the relief sought for in the writ petition.

No case to interfere with the order under appeal is made out.

Dismissed.

(SURYA KANT)
JUDGE

November 28, 2016

(SUDIP AHLUWALIA)
JUDGE