

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

LPA no. 351 of 2016 (O&M)

Date of Decision :05.05.2016

Khushi Ram Sharma

....Appellant(s)

Versus

State of Haryana and others

...Respondent(s)

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER

HON'BLE MRS JUSTICE LISA GILL

Present : Mr.Anil Rathee, Advocate for the appellant

MAHESH GROVER, J.

The appellant impugns the judgment of the learned Single Judge dismissing the writ petition preferred by him on the ground of delay and laches. The facts indicate that the services of the appellant were regularized w.e.f. 26.3.2001 instead of 01.9.1988 as claimed by him. These orders were passed after the appellant instituted a writ petition bearing no. 4279 of 1992 **Khushi Ram vs. State of Haryana** which was disposed of in terms of an earlier writ petition no. CWP no. 19163 of 1997 preferred by some employees similarly situated as the appellant.

The order dated 26.3.2001 having been passed subsequent to the afore noticed writ petition of the appellant, was perceived by him as an act of contempt resulting in filing of a COCP no. 1233 of 2006 which was dismissed

but with a liberty to the appellant to impugn the order dated 5.6.2003. It may be noticed in passing that the direction given in CWP no. 4279 of 1992 was that his services were to be regularized if found suitable for the post.

The appellant thereafter did not impugn the said order for as long as 5 years which fact was construed to be adverse to the appellant resulting in the impugned judgment.

Learned counsel for the appellant has been unable to justifiably show any justifiable cause for this delay. The order dated 5.6.2003 was evidently known to the appellant but even this order was impugned by him in the year 2006 resulting in order of 16.7.2007 which in turn was again impugned after lapse of 5 years. We thus do not find any reason to differ with the findings recorded by the learned Single Judge dismissing the writ petition of the appellant on the ground of delay and laches which is so manifestly visible from the facts detailed above.

Hence, instant appeal is hereby dismissed.

(Mahesh Grover)
Judge

05.05.2016
rekha

(Lisa Gill)
Judge