

Civil Writ Petition No.15599 of 2015

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

Sr. No.212

**Civil Writ Petition No.15599 of 2015
DECIDED ON: November 17, 2017**

SARWAN SINGH KHOSA

..PETITIONER

VERSUS

STATE OF PUNJAB AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Akshay Bhan, Senior Advocate with
Mr. Amandeep Singh Talwar, Advocate,
for the petitioner.

Ms. Jasleen Kaur Sidhu, Assistant Advocate General, Punjab.

JASPAL SINGH, J.

Through the instant civil writ petition, petitioner has challenged the order dated January 17, 2014 (P-17), whereby an appeal preferred by him against the order dated October 27, 1999 (P-11) has been rejected and to release the pensionary and other retiral benefits along with interest @ 18% per annum on the delayed payment of General Provident Fund.

2. During the course of arguments, it has clearly emerged that previously also petitioner preferred Civil Writ Petition No.12936 of 1999

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before this Court and to restrain the respondents from initiating the disciplinary proceedings against him, which was resisted by the respondents by bringing on record the factum of passing an order dated October 27, 1999, whereby punishment of forfeiture of entire service of the petitioner was passed. However, the said writ petition was dismissed for want of prosecution by this Court on December 08, 2000 (R-1). Subsequent thereto, he filed an application for restoration of aforesaid writ petition, but that was also dismissed vide order dated April 12, 2002 (R-2). The matter did not adhere, the petitioner also filed a Civil Writ Petition No.15631 of 2008 seeking the quashing/setting aside the action of the respondents in not releasing his General Provident Fund, which was disposed of vide order dated September 03, 2008 with the direction to the respondents to decide the legal notice dated May 02, 2008 (P-12) of the petitioner within three months. The said legal notice was considered and final payment of General Provident Fund amounting to Rs.51,540/- was disbursed to him.

3. In fact, order dated October 27, 1999 (P-11) whereby the entire service of the petitioner was forfeited has attained finality as the petitioner did not challenge the same before any Court of law. Though, petitioner had moved a representation, but in the light of the previous decisions, his claim was rejected and the representation made by him was disposed of vide order dated January 17, 2014. The matter of fact is that by virtue of the instant petition, petitioner intends to challenge the order dated October 27, 1999 (P-11). Now, instant petition preferred in the Month of July, 2015 i.e. after expiry of a period of more than one and a half decade. Instant petition is clearly barred by limitation and it suffers from delay and laches. In addition to it, petitioner is also estopped from challenging the aforesaid

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order dated October 27, 1999 (P-11) by way of instant fresh writ petition, especially in the circumstances that the previous Civil Writ Petition No.12936 of 1999 was dismissed for want of prosecution vide order dated December 08, 2000 (R-1) and further an application for restoration thereof also met the same fate vide order dated April 12, 2002 (R-2).

4. Thus, in view of the aforesaid unchallenged and admitted facts, instant petition is not legally maintainable. As such, it stands dismissed.

November 17, 2017

Ankur

**(JASPAL SINGH)
JUDGE**

**Whether Speaking/Reasoned
Whether Reportable**

**Yes
Yes/No**