

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP No.16348 of 2017(O&M)
Date of Decision: 15.11.2017

Sukwant Singh

--Petitioner

Versus

State of Punjab and others

--Respondents

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. S.K. Choudhary, Advocate for the petitioner.

TEJINDER SINGH DHINDSA.J (Oral)

Prayer in the instant petition is for the issuance of a Writ of Mandamus for directing the respondent-Home Guards Department to reinstate the petitioner on the post of Constable. In the alternate prayer is for directing the respondent authorities to take a final decision on a representation dated 10.1.2017 (Annexure P-8) i.e. stated to have been submitted.

Having heard counsel for the petitioner at length and having perused the pleadings on record, this Court is of the considered view that the instant petition is wholly misconceived and deserves dismissal.

The pleaded case of the petitioner is that he had joined the respondent-Home Guards Department as a Constable on 20.2.1989. In the year 1994 wife of the petitioner was seriously ill and on an application having been preferred, petitioner was sanctioned three days leave. However, since medical treatment of the wife of the petitioner stretched over a length of time, petitioner could not resume duties. It has been averred in the petition that services of the petitioner were terminated.

On a specific query having been put, counsel concedes that termination took place on some date in the year 1994/1995.

Counsel has argued that representations were submitted by the petitioner on a number of occasions seeking reinstatement but the same have not evoked any response. It is further urged that a number of other colleagues whose services had also been terminated on the ground of having absented from duty, have been taken back in service and accordingly on the ground of parity itself petitioner has a right to be reinstated.

For certain strange reasons the order of termination has neither been placed on record nor is the action of termination a subject matter of challenge in the present petition.

Without there being a challenge laid to an order of termination, the question of reinstatement of the petitioner and to be taken back in service does not even arise.

That apart, petitioner's termination from service relates back to the year 1994/1995. The instant writ petition filed after a period of more than two decades seeking reinstatement suffers from inordinate delay.

In the totality of the circumstances, no interference in the matter is warranted.

Petition is dismissed.

(TEJINDER SINGH DHINDSA)
JUDGE

15.11.2017
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Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No