

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

115

CWP No.17236 of 2017 (O&M)

Date of Decision: August 04, 2017

Kashmir Singh

....Petitioner

vs.

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present: Mr. R.K. Arya, Advocate
for the petitioner.

TEJINDER SINGH DHINDSA, J. (Oral)

Challenge in the instant petition is to the order dated 11.10.1999, passed by the Senior Superintendent of Police, Amritsar (Annexure P-2) and in terms of which, the petitioner who was at that point of time serving as Constable was imposed the punishment of forfeiture of two years approved government service for purposes of increments.

Further challenge is to the order dated 20.06.2013 (Annexure P-3) whereby the statutory appeal preferred by the petitioner against the order of punishment, has been dismissed. Also under challenge is the order dated 29.09.2014 (Annexure P-4) declining the revision petition preferred by the petitioner.

Thereafter, a mercy petition preferred by the petitioner has been declined by the Director General of Police, Punjab, in the

light of order dated 14.08.2015 (Annexure P-5) and which is also a subject matter of challenge in the instant petition.

Counsel has argued that the punishment of two years forfeiture of approved service for increments on a permanent basis is disproportionate to the gravity of the charge that is of having remained absent from duty for a period of 19 days, 14 hours and 30 minutes. Further contended that there has been a violation of Rule 16.24 of Punjab Police Rules which mandated the punishing authority to have taken into account the past service record of the petitioner while awarding the punishment.

Counsel for the petitioner has been heard.

In the considered view of this Court, the validity of the order imposed upon the petitioner would not require any adjudication on merits.

The instant petition suffers from inordinate delay and laches. The order of punishment was passed on 11.10.1999 (Annexure P-2). Petitioner chose to avail of his statutory remedy of appeal after a delay of 13 years and which was rightfully rejected by the appellate authority as time barred.

Mr. R.K. Arya, learned counsel representing the petitioner concedes that under the Statutory Service Rules, the limitation provided for filing an appeal was 30 days from the date of passing of the order of punishment. No justification what so ever is forthcoming as regards the gross delay of 13 years that was occasioned in preferring the appeal.

This Court finds that the revisional authority after rejection of the appeal has entered into the merits of the case and has thereafter rejected the revision petition. That would not be a good ground to condone the inordinate delay that has occurred in the present case while raising a challenge to the order of punishment relating back to the year 1999.

Writ petition is dismissed on the ground of delay and laches.

(TEJINDER SINGH DHINDSA)
JUDGE

04.08.2017
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***Whether speaking/reasoned* : Yes/No**
***Whether reportable* : Yes/No**