

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

**CWP No. 22789 of 2017
DECIDED ON: OCTOBER 06, 2017**

PIARA RAM

.....PETITIONER

VERSUS

STATE OF HARYANA & OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Shyam Singh Chhokar, Advocate
 for the petitioner.

JASPAL SINGH, J (ORAL)

By virtue of instant petition preferred under Articles 226/227 of the Constitution of India, petitioner has sought for the issuance of a writ in the nature of certiorari to quash the order dated June 16, 2017 (P-6) passed by respondent No.2 whereby, the prayer of the petitioner for cancellation of compulsory retirement, has been declined with further prayer for the issuance of a writ in the nature mandamus directing the respondents to cancel the order of compulsory retirement of the petitioner and to consider him in service till the age of 58 years i.e. upto May 31, 2002 and to release all the consequential benefits thereof.

2. A close scrutiny of the relief claimed through the instant petition makes it clear that order dated June 16, 2017 (P-6) is sought to be quashed but in fact in an indirect way petitioner has challenged the order of compulsory retirement without disclosing the date, which in fact relates back to 1999 whereby, petitioner was compulsorily retired i.e. more than 16 years prior to the filing of instant petition. Simply, if representation of the petitioner has been dealt with and disposed of by the respondents vide order dated June 16, 2017 does not *ipso-facto* mean that delay and laches stood condoned. Continuously, for a period of more than 16 years the order of compulsory retirement of the petitioner remained operative. Had he been aggrieved against the said order, he could have challenged the same earlier also. Thus, it can be safely concluded that petitioner choose to sit over the matter and woke up after 16 years of the passing of order. Such a person cannot stand to benefit. Otherwise, also the order dated June 16, 2017 clearly depicts that ACRs of the petitioner were not upto the mark. Rather there were large number of adverse enteries prior to the passing of order of promotion of the petitioner in the light of judgment passed by this Court in CWP No. 2378 of 1991 and subsequent thereto.

3. The delay in approaching this Court to the discretionary relief under Article 226 of the Constitution of India disentitles him to seek a remedy which has already rendered stale. He slept over his rights, if any, for an inordinate long period and woke up for the reasons closed to his chest after more than 1 ½ decade.

4. To buttress the afore-said observation, this Court has the reference of pronouncements of Hon'ble Apex Court rendered in the cases of

Jagdish Lal v. State of Haryana, 1998(1) SCT 26 (SC) : (1997) 6 SCC 538, and Union of India & others vs. C.K. Dharagupta & others, 1992(2) SCT 117 (SC) : (1997) 3 SCC 395.

5. Otherwise also, if the case of the petitioner is considered on merit, this Court does not find any illegality or perversity in the conclusion arrived at by the authorities concerned.

6. Taking into consideration the afore-said aspect, this court does not find any merit in the instant petition. As such, the same is dismissed but no order as to costs.

OCTOBER 06, 2017
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(JASPAL SINGH)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>