

LPA no.1649 of 2017 (O&M) 1

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

LPA no.1649 of 2017 (O&M)

Date of Decision :07.09.2017

Naveen Kumar

....Appellant(s)

Versus

State of Haryana and others

...Respondent(s)

**CORAM : HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MR JUSTICE RAJ SHEKHAR ATTRI**

Present : Mr.Deepanshu Matya, Advocate for the appellant(s)

MAHESH GROVER, J.(ORAL)

This appeal is directed against the judgment of the learned Single Judge dated 11.1.2017. The appellant had faced dismissal and questioned it in civil Court unsuccessfully. The first appeal as also the Regular Second Appeal were also dismissed likewise.

With the dismissal order attaining finality, the appellant then moved a representation to the competent authority with a plea that in the case of some other employee a lenient view has been taken by the authorities and he too be granted similar indulgence. With his representation still pending, he approached this Court by way of civil writ petition from where the impugned order has emerged.

It is stated before us as also before the writ Court that since this information about the another employee has been received under Right to Information Act he would as a matter of right would be entitled to a similar indulgence as the one granted to the said employee.

The argument raised before us is unconvincing, besides being contrary to law. Once the dismissal order has attained finality in the Regular Second Appeal with no further challenge to it, there would be no occasion to re-open the matter of the appellant's dismissal from service. Merely because some indulgence has been shown to some other employee would be no cause to claim parity. Therefore, we do not find any reason to interfere. Hence, instant appeal is hereby dismissed. That apart, instant appeal is also barred by unexplained delay of 200 days in filing the appeal, which we are not inclined to condoned.

(Mahesh Grover)
Judge

07.09.2017
rekha
Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No

(Raj Shekhar Attri)
Judge