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HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 3388 of 2018**

Haranlal Jagnit, S/o Late Shri Bisalik Ram Jagnit, aged about 49 years, working as Constable, Traffic Police, District Rajnandgaon, R/o Kurukshetra Police Line, District Rajnandgaon (C.G.)

... Petitioner**Versus**

1. State of Chhattisgarh, through the Principle Secretary, Department of Home, Mantralaya, Naya Raipur, District Raipur (C.G.)
2. The Director General of Police, Chhattisgarh Police Head Quarter, Raipur, District Raipur (C.G.)
3. Additional Director General of Police, Chhattisgarh Police Head Quarter, Raipur, District Raipur (C.G.)
4. The Inspector General of Police, Durg Range, 32 Bungalow, Bhilai, District Durg (C.G.)
5. Superintendent of Police, District Rajnandgaon (C.G.)
6. Inquiry Officer, City Superintendent of Police, District Rajnandgaon (C.G.)

For Petitioner : Mr. Sunil Pillai, Advocate.
 For Respondent-State : Mr. Lav Sharma, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy, J.**Order On Board****27/04/2018**

1. Challenge in the present writ petition is to Annexure P-4 dated 31.12.2007, Annexure P-7 dated 14.11.2017 and Annexure P-6 dated 28.2.2018.
2. Annexure P-4 is an order of penalty imposed on 31.12.2007 whereby the Respondents had issued a penalty upon the Petitioner of stoppage of one increment with cumulative effect. Against the said order of punishment, no departmental appeal at all was preferred by the Petitioner till October, 2017 when for the first time the Petitioner preferred a review petition before the Inspector General of Police, Raipur. The same stood rejected vide Annexure P-7 dated 14.11.2017, on the ground that neither any appeal nor any mercy petition has been filed by the Petitioner within the stipulated time and that the review petition preferred by the Petitioner itself has been filed

beyond the period of 10 years. The said review petition thus stood rejected at the level of Inspector General of Police itself. The said order of Inspector General of Police has been communicated to the Petitioner vide Annexure P-6 dated 28.2.2018.

3. This Court finds it difficult to entertain the present writ petition only on the ground that the same suffers from delay and laches. The Petitioner was inflicted with a punishment on 31.12.2007. The Petitioner did not think it proper to challenge the said order of punishment immediately or within a reasonable time. For the first time, the Petitioner had preferred an appeal after a period of more than 10 years before the Director General of Police.

4. It cannot be said that the Petitioner is an illiterate rustic village. The Petitioner is working as a Constable in the police department. He is supposed to be aware of all the consequences of an order of punishment and also the remedy that would be available to him under the service regulations. If the Petitioner has not availed the right of appeal at the appropriate time and if he wakes up from his slumber after 10 years and then preferred an appeal before the authorities concerned and the authorities having rejected the same on the issue of limitation the same cannot be said to be either bad in law or illegal in any manner.

5. This Court thus does not find any merit in the present writ petition or any illegality committed by the authorities while passing the order dated 14.11.2017, Annexure P-7. The writ petition thus deserves to be and is accordingly dismissed.

6. In the result, the writ petition is dismissed.

Sd/-

(P. Sam Koshy)
Judge