

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

**CWP No. 11999 of 2018
DECIDED ON: MAY 14, 2018**

RISHI PAL

.....PETITIONER

VERSUS

STATE OF HARYANA AND OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Deepak Sahni, 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 a writ especially in the nature of certiorari to quash and set aside the order dated 13.10.2006 passed by the Director General of Police, Haryana (P-3), whereby undue benefit given by the then Director General of Police, Haryana vide order dated 09.05.2001 has been withdrawn and the punishment of dismissal from service awarded to him was restored.

2. The petitioner did not challenge the afore-said order dated 13.10.2006 prior to the filing of instant petition before any court of competent jurisdiction and a challenge has been alleged for the first time to this Court by virtue of instant petition preferred in the Month of May 2018 i.e. after an expiry of a period of more than one decade.

3. Here it would also be pertinent to mention that after having slept over the matter for a period about 10 years, petitioner made representation but that was rejected vide order dated 08.10.2015 (P-4) passed by Additional Chief Secretary to Government of Haryana, Home Department. Otherwise also, if the order dated 13.10.2006 has scanned carefully it becomes evident that aggrieved against the order of dismissal dated 06.10.1994, petitioner preferred an appeal which was dismissed vide order dated 18.10.1996. He preferred revision petition against the said order before the then Director General of Police, which also met the same fate vide order dated 14.03.1997. Thereafter, petitioner filed mercy petition before the then Director General of Police, which was accepted and the punishment awarded to the petitioner was reduced from dismissal of service to that of stoppage of three annual increments.

4. To the utter surprise, there is no provision for mercy petition to be preferred before the Director General of Police after the rejection of revision petition by the then Director General of Police. By way of entertaining mercy petition subsequent to the rejection of revision petition is wholly illegal, without jurisdiction and is against the rules, which has since been rectified by passing the order dated 13.10.2006. Moreover, there is nothing on record to suggest that as to why the petitioner was kept mum or tight lipped for the last more than 11

years, after the passing of afore-said order and filed the instant petition. It cannot be termed to be a recurring cause of action, if at all. So, considering the case of the petitioner from any angle, the same is not maintainable either on the ground of delay and latches or on merits.

5. In the light of what has been discussed above, instant petition is dismissed but with no order as to costs.

MAY 14, 2018
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(JASPAL SINGH)
JUDGE

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