

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 24725 of 2018
Date of Decision : 28.11.2018

Chander Kalan

...Petitioner

Versus

State of Haryana and others

...Respondent

CORAM: *HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI*

Present: Mr. R.S. Sangwan, Advocate for the petitioner.

Harsimran Singh Sethi, J.(Oral)

In the present case, petitioner, who is widow of Sh. Ranvir Singh Constable, has approached this Court challenging the order dated 09.05.1992 by which after holding an enquiry, late Sh. Ranvir Singh was dismissed from service. Against the said order, an appeal was also preferred, which was also dismissed on 06.11.1994. The said order was challenged by late Sh. Ranvir Singh by filing a civil suit, which was dismissed in default. An application for restoration of the said civil suit was also dismissed in October, 2002.

As per the averments made in the present writ petition, the petitioner has stated that it was only in the first week of May, 2018 while cleaning the inner store of her house, she found the order of dismissal, which was passed against her late husband and, therefore, she is challenging the order dated 09.05.1992 by which the services of her late husband were terminated as well as the order passed on 06.11.1994 by which the appeal

was also dismissed.

At the time of hearing, learned counsel for the petitioner was unable to explain the delay for approaching this Court. Further, learned counsel for the petitioner failed to convince this Court as to how after the dismissal of the civil suit, the present writ petition is maintainable and that too by the petitioner, who claims to be the widow of Sh. Ranvir Singh.

It is not that the order which was passed long ago, can be challenged at any time at the convenience of the petitioner. Once the dismissal order passed against the husband of the petitioner has attained finality and no further action was taken by the husband of the petitioner, petitioner cannot approach this Court challenging the order of dismissal after a period of 26 years. The delay in the present case is fatal. Hon'ble the Supreme Court in the case of ***Bhoop Singh Vs. Union of India, 1992(3) SCC 136*** has held that the delay in approaching the Court for the redressal of the grievance is to be explained and if the same remains unexplained, no relief can be granted. The relevant paragraph is as under :-

“Inordinate and unexplained delay or laches is by itself a ground to refuse relief to the petitioner, irrespective of the merit of his claim. If a person entitled to a relief chooses to remain silent for long, he thereby gives rise to a reasonable belief in the mind of others that he is not interested in claiming that relief. Others are then justified in acting on that belief. This is more so in service matters where vacancies are required to be filled promptly. A person cannot be permitted to challenge the termination of his service after a period of twenty-two years, without any cogent explanation for the inordinate delay, merely because others similarly dismissed had been reinstated as a result of their earlier petitions being allowed.”

Keeping in view the above, the present writ petition is dismissed with no order as to costs.

November 28, 2018
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned? Yes/No
Whether reportable? Yes/No