

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

CWP No.7748 of 2018
Date of decision: 30.04.2018

Krishan Kumar

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Vijay, Advocate for the petitioner.

ARUN PALLI, J. (Oral)

The petitioner seeks a writ in the nature of certiorari, to quash the order dated 25.06.2002 (Annexure P1) vide which he was awarded a punishment of stoppage of five annual increments with cumulative effect, and although his absence from duty for a period of 334 days was sanctioned as leave of the kind due but without pay. And also the orders dated 14.08.2013 (Annexure P2) and 15.07.2014 (Annexure P3) vide which his appeal as also the revision were dismissed by the competent authorities.

Concededly, an inquiry was held against the petitioner, for he remained absent from duty for a period of 334 days on 18 different occasions. He was found guilty by the Inquiry Officer and even though a punishment of removal from service was proposed, but the competent authority taking a sympathetic view only ordered stoppage of five annual increments, as indicated earlier. Significantly, the said order was passed almost 16 years' ago i.e. 25.06.2002. Though the petitioner preferred an appeal against the order passed by the disciplinary authority, but that too was filed after ten years on 27.10.2012. Resultantly, vide order dated 14.08.2013

(Annexure P2), the same was dismissed being time barred. Not just that, he subsequently filed a revision on 26.03.2014, which too was barred by time in terms of Rule 16.32 of Punjab Police Rules. Ex facie, even this order was passed almost four years' ago on 15.07.2014. Although the petitioner alleged to have filed a mercy petition (Annexure P4), which purport to be pending, but that shall be inconsequential for the Rules governing the service conditions of the petitioner do not postulate any such remedy. Further, though in the list of dates and event, it is stated that the said petition was preferred in February 2015, but again nothing is stated if the petitioner actually pursued the alleged petition in the past three years.

Thus, the petition at hands is nothing but an abuse of process. That being so, the only and the inevitable conclusion one could reach: this petition is speculative in nature and lacks both i.e. merits as also the bonafides and is, accordingly, dismissed.

(Arun Palli)
Judge

30.04.2018
Rajan

Whether speaking / reasoned:
Whether Reportable:

YES
NO