

Sr. No.234

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

LPA No. 994 of 2015

Date of decision: 21.05.2018

EHC Shri Ram

.....Appellant

versus

State of Haryana and others

.....Respondents

Coram: **Hon'ble Mr. Justice Mahesh Grover**
 Hon'ble Mr. Justice Rajbir Sehrawat

Present: Mr. S.S.Dinarpur, Advocate with
 Mr. Apoorv Sangwan, Advocate
 for the petitioner(s).

Ms. Kirti Singh, DAG, Haryana.

Mahesh Grover, J.(Oral)

The appeal is directed against the judgment of the learned Single Judge dated 14.01.2015, dismissing the writ petition largely on the ground of delay.

The appellant was denied promotion as he suffered the punishment after being found guilty of accepting illegal gratification which debarred him for consideration to promotion for a period of 10 years. Finally the promotion was granted to the appellant w.e.f. 19.08.2009 and his grievance is, it ought to have been from back date i.e. 01.12.2004.

The appellant was infact held guilty of accepting illegal gratification after proper inquiry, resulting in a punishment of stoppage of one increment with temporary effect vide order dated 28.02.1999 which he carried in appeal where the appellate authority set it aside to direct a denovo inquiry from the stage of obtaining concurrence of the District Magistrate under the Punjab Police Rules. This Order was passed on 12.07.1999.

Thereafter the appellant gave in writing that he did not wish any denovo inquiry which has been recorded by Inspector General of Police vide his order dated 07.12.1999.

After a lapse of one decade he was promoted on 19.08.2009 and he did not raise any grievance for all these years as he has chosen to raise in the writ petition and that too only in the year 2015. Indeed he would try to cover up the delay by saying that he filed a representation which was not decided, forcing him to come to the Court by filing a writ petition which was disposed of with a direction to the authorities to consider the representation which was finally decided on 9.04.2014. The appellant would now contend that this should be the starting point for his grievance.

Learned Single Judge disagreed and concluded that grievance arose to the petitioner in 2009 itself and filing the writ petition in 2015 clearly is hit by delay and latches.

We have absolutely no reason to disagree with the view and the observations made by the learned Single Judge and take the same view after taking the facts into consideration in totality and the instant appeal is dismissed.

[MAHESH GROVER]
JUDGE

21st May, 2018
Shivani Kaushik

[RAJBIR SEHRAWAT]
JUDGE

Whether speaking/reasoned *Yes/No*

Whether Reportable *Yes/No*