

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

LPA No. 2409 of 2016 (O&M)

Date of Decision: 23.10.2018

Balwinder Singh

.....Appellant

Versus

The Punjab Scheduled Castes Land Development and Finance Corporation.

.....Respondent

CORAM: HON'BLE MR. JUSTICE AJAY KUMAR MITTAL, JUDGE
HON'BLE MR. JUSTICE AVNEESH JHINGAN, JUDGE

Present: Mr. Aman Dhir, Advocate
for the appellant.

Mr. Gautam Thapar, Advocate
for the respondents.

AVNEESH JHINGAL, J.

This intra-court appeal has been filed against the order dated 29.09.2016 passed by learned Single Judge.

2. The appellant filed a writ petition seeking quashing of orders dated 04.06.2007, 10.10.2007, 04.04.2016 and 16.03.2016, vide which the substantive pay for suspension period of 941 days was denied because of penalty of Censure under Staff Regulation 46(1) was imposed.

3. The appellant was working as Accounts Assistant in the Punjab Scheduled Castes Land Development and Finance Corporation. He was working since 09.11.1978. He was promoted to the post of Assistant District Manager. Due to some departmental proceedings, he was placed under suspension and was issued a charge-sheet dated 31.12.2006. After conducting the departmental inquiry, the appellant was censured under Staff Regulation 46(1). The appellant was reinstated on 11.07.2005. He retired on 31.12.2006 on attaining the age of superannuation.

4. After the retirement, he was informed vide letter dated 04.06.2007

that his suspension period cannot be treated as duty period because he was

awarded punishment of censure. The petitioner filed representations on 04.09.2007 and 06.09.2007. Reply dated 10.10.2007 was communicated reiterating the earlier stand taken by the Corporation. The Corporation vide office order dated 26.12.2006 treated part of the suspension period as leave of kind and vide letter dated 16.05.2008 the earlier office order was amended.

5. The petitioner again made a representation on 20.10.2015 and the Department sent a reply on 16.03.2016. On receiving the reply, the writ petition was filed. The learned Single Judge, dismissed the petition being barred by delay and latches.

3. Learned counsel for the appellant contended that the last representation was rejected in 2016, hence, the learned Single Judge, erred in dismissing the writ petition on the ground of delay and latches.

4. The last office order was dated 16.05.2008, thereafter, the appellant has no justification for his inaction for more than seven years. In an endeavour to cover the delay, the representation was made in October 2015. In reply dated 16.03.2016 the stand taken by the Department earlier was reiterated. The reply received to the representation is being used as a tool to cover the latches. Repeated representations cannot be used for the purpose of enlarging the period of limitation to cover delay and latches.

5. There is no error in the order passed by the learned Single Judge. Hence, the Letter Patent Appeal is dismissed.

(AJAY KUMAR MITTAL)
JUDGE

(AVNEESH JHINGAN)
JUDGE

23.10.2018
reema

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No