

**LPA No. 114 of 2018 (O&M) in
CRWP No. 442 of 2017**

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IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

**LPA No. 114 of 2018 (O&M) in
CRWP No. 442 of 2017
Date of decision : February 23, 2018**

Gurpriar Singh Bhatti

..... Appellant

Versus

State of Punjab and others

..... Respondents

**CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL
HON'BLE MR. JUSTICE B. S. WALIA**

**Present:- Mr. Narinder Sharma, Advocate
for the appellant.**

RAJESH BINDAL, J.

The order passed by the learned Single Judge dismissing the criminal writ petition has been impugned by filing the present intra Court appeal.

The prayer made was for taking departmental action against respondent No.7 in the criminal writ petition for alleged illegal detention of the appellant.

The learned Single Judge found that whatever action was taken by respondent No.7 was in discharge of the judicial powers and there was no misuse thereof, hence, no action could be directed.

The appellant claimed that he was earlier working with the Health and Family Welfare Department, Government of Punjab,

Chandigarh. However, he was forced to take voluntary retirement w.e.f.

22.7.2014. He filed representation to the Deputy Commissioner, Patiala for taking action in the matter. It is unique case where the appellant uses three different languages to mention his name on the letter head namely, Punjabi, Hindi and English and further self styled 'title' 'Awaz-E-Azad' in urdu.

Prayer made in the criminal writ petition was for a direction to take departmental action against respondent No.7, however, even it could not be justified as to how a criminal writ petition was maintainable, if seen in the light of the Writ Jurisdiction (Punjab and Haryana) Rules, 1976.

The High Court has framed Writ Jurisdiction (Punjab and Haryana) Rules, 1976, which is forming part of Punjab and Haryana High Court Rules and Orders, Volume-5, Chapter-4, Part-F. Rule-3 thereof provides for Criminal Writ Petitions, which reads as under:-

“3. Criminal Writ Petitions.- A petition for the issuance of a writ in the nature of habeas corpus or any petition challenging order of punishment passed in pursuance to any proceedings before a Court Martial or its equivalent tribunal shall be styled as 'Criminal Writ Petition'.”

A perusal of the aforesaid Rule shows that a Criminal Writ Petition can be filed in the nature of habeas corpus or any petition challenging order of punishment passed in pursuance to any proceedings before a Court Martial or its equivalent tribunal. The relief claimed in the Criminal Writ Petition does not fall in any of the categories prescribed in the rule.

Hence, the Criminal Writ Petition for the relief claimed

was also not maintainable.

In the light of the aforesaid facts, we do not find any error in the order passed by the learned Single Judge. There is no merit in the present appeal. The same is accordingly dismissed. Consequently, the application for condonation of delay in filing the appeal is also dismissed.

(RAJESH BINDAL)
JUDGE

(B. S. WALIA)
JUDGE

February 23, 2018
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Whether speaking/reasoned	Yes
Whether Reportable	Yes/No