

LPA No. 1655 of 2018 (O&M)

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

**LPA No. 1655 of 2018 (O&M)
Date of decision: 07.12.2018**

Ram Partap Patwari

... Appellant

Versus

State of Haryana and others

... Respondents

**CORAM: HON'BLE MR. JUSTICE KRISHNA MURARI,
CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI, JUDGE**

Present: Mr. Narender Pal Bhardwaj, Advocate,
for the applicant-appellant.

KRISHNA MURARI, CHIEF JUSTICE (Oral)

CM-4329-LPA-2018

For the reasons set out in the application, which is duly supported by an affidavit, the same is allowed. Consequently, the delay of 49 days in re-filing the accompanying appeal is condoned.

Application stands disposed of.

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This intra-court appeal, under Clause X of the Letters Patent, is directed against the order and judgment dated 20.4.2018, passed by the learned Single Judge, dismissing the writ petition filed by the appellant-petitioner challenging the order dated 24.7.2001, passed by the disciplinary authority inflicting the punishment of dismissal from service; order dated

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8.5.2002, passed by the appellate authority, whereby the punishment of dismissal from service was converted into withholding of four future increments with cumulative effect; and order dated 9.2.2018, whereby the revision filed by him was dismissed.

Admitted facts of the case are that, after conclusion of the disciplinary enquiry, punishment of dismissal from service was inflicted upon the appellant-petitioner, which was challenged by him in appeal. The appellate authority reduced the punishment by converting it into withholding of four future increments with cumulative effect. Thereafter, the petitioner-appellant succumbed to the order and did not challenge it any further.

It may be pertinent to note that a criminal case was also registered against him, but he was acquitted in 2009. It was thereafter, he filed a revision petition in the year 2016, challenging the orders passed by the disciplinary authority as also the appellate authority, on the ground that since he has been acquitted of the criminal charges, the punishment order be set aside. Admittedly, the petitioner filed the revision petition after about 16 years of passing of the punishment order. Finding no good ground to condone the inordinate delay, the revisional authority dismissed the revision, which was challenged by the petitioner-appellant in the writ petition, which has also been dismissed by the learned Single Judge.

Learned counsel for the appellants contends that since the appellant was acquitted of the criminal charges, there was no justification of inflicting the punishment of dismissal from service. We are afraid that the argument raised by learned counsel for the appellant is totally misconceived. The punishment inflicted by the disciplinary authority was not based on the criminal case, but, in fact, a disciplinary enquiry on the charges was

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conducted and when the charges were found to be proved, the punishment order was passed.

Admittedly, the order dated 8.5.2002, passed by the appellate authority, was challenged by the appellant after about 16 years. In the circumstances, we do not find any infirmity in the impugned judgment of the learned Single Judge dismissing the writ petition, as the entire proceedings were barred by laches. No illegality or error is reflected from the impugned order and judgment passed by the learned Single Judge, which may require interference.

The appeal is, thus, devoid of merit and accordingly stands dismissed.

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

December 07, 2018

AK Sharma

Whether speaking / reasoned: YES
Whether Reportable: NO