

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

LPA No.439 of 2019(O&M)
Date of decision: 05.04.2019

Rishi Pal

... 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. Rajesh Arora, Advocate, for the appellant.

KRISHNA MURARI, C.J. (Oral)

CM-1032-LPA-2019

For the reasons set out in the application, delay of 224 days in filing the appeal is condoned.

CM stands disposed of.

LPA-439-2019

This intra-court appeal under Clause X of the Letters Patent is directed against the judgment and order dated 14.05.2018 passed by the learned Single Judge non-suited the appellant-petitioner on the ground of inordinate delay and laches.

Facts required to be noticed in brief are as under.

Appellant-petitioner approached this Court seeking a writ of certiorari to quash and set aside the order dated 13.10.2006 passed by Director General of Police, Haryana. Admittedly, for an alleged misconduct, vide order dated 06.10.1994, the petitioner was dismissed from service.

Appeal filed against the said order was dismissed on 18.10.1996. Even the

revision preferred against the punishment order before the Director General of Police met with the same fate and was dismissed on 14.03.2007. Subsequently, after four years without there being any provision, a mercy petition is alleged to have been filed before the then Director General of Police, which came to be accepted vide order dated 09.05.2001 and the penalty of dismissal was withdrawn and he was reinstated back in service with stoppage of three annual increments. The said order was subsequently revoked vide order dated 13.10.2006.

The order was challenged by filing the writ petition in 2018, which has been dismissed by the learned Single Judge vide order impugned in this appeal. Learned counsel for the appellant-petitioner vehemently contends that against the order dated 13.10.2006 he made a representation, which came to be rejected vide order dated 08.10.2015 by the Additional Chief Secretary to Government of Haryana. Three years thereafter, the writ petition was filed challenging the order passed in 2006. It is pertinent to note that the order dated 08.10.2015 was not even put to challenge in the writ petition.

It is well-settled preposition of law by various pronouncements of Hon'ble the Apex Court that unsolicited representation does not create any fresh cause of action and cannot be used to explain the delay and laches in approaching the Court. In the case in hand, the cause of action arose to the petitioner in 2006. Even, for the sake of arguments, it is accepted that the appellant-petitioner had any right to challenge the order dated 08.10.2015, which as a matter of fact was not challenged, even then the writ petition was filed with an inordinate of delay of almost three years.

In view of above facts and discussion, we do not find any infirmity in the judgment of the learned Single Judge non-suiting the petitioner on the ground of delay and laches. Appeal is devoid of merit and accordingly stands dismissed.

(Krishna Murari)
Chief Justice

(Arun Palli)
Judge

05.04.2019
Rajan

Whether speaking / reasoned:	YES
Whether Reportable:	NO