

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

374

CWP No.8546 of 1996

Date of decision: 16.07.2019

Kulwant Singh

.....Petitioner

Versus

Union of India and others

.....Respondents

CORAM : HON'BLE MR.JUSTICE ARUN MONGA.

Present: Mr. Suvir Sehgal, Advocate with
 Mr. Dham Dhir, Advocate
 for the petitioner.
 Ms. Anita Balyan, Advocate,
 for the respondent-UOI.

ARUN MONGA, J. (ORAL)

Vide order dated 05.11.1993 (Annexure P-9), the petitioner was removed from service pursuant of enquiry report (Annexure P-6) and the same was upheld vide order dated 22.06.1994 (Annexure P-11) impugned herein. The petitioner filed the instant writ petition in the year 1996 seeking issuance of writ in the nature of certiorari to quash the enquiry report (Annexure P-6) and consequential proceeding vide which the petitioner was held guilty and removed from service. Charges levelled against the petitioner as per charge-sheet dated 01.05.1993 (Annexure P-1) are reproduced herein below:-

“That the said No.901407665 Constable Kulwant Singh of CISF Unit, FCI Sindri, while serving at CISF Unit, BTPS (DVC) Bokaro Thermal obstructed the CISF Constable at 'B' Plant gate in performing their duties and also stopped the undertaking vehicles from coming inside the plant/going out without valid reason between 1945 hrs. and 2100 hrs. on 23.03.1993 which amounts to gross misconduct within the meaning of Section 18 of CISF Act, 1968.”

2. Reply dated 07.06.1993 (Annexure P-2) filed by the petitioner did not find favour with the respondent. In pursuant thereto an Inquiry Officer was appointed who furnished his report. Petitioner was awarded punishment of removal from service vide order dated 05.11.1993 and the same was upheld by the Appellate Authority vide order dated 22.06.1994.

3. I have heard learned counsel for both sides and perused the rival pleadings. I am of the opinion that the writ petition having been filed on 04.06.1996, belatedly after almost two years of passing Appellate order, petitioner had acquiesced to his dismissal. Even otherwise, the petitioner did not avail the statutory remedy of filing the revision petition under Rule 49 of CISF Rules 1969. With sheer efflux of time, the relief sought by the petitioner seeking reinstatement in service with all consequential benefits may too would have been rendered infructuous as the petitioner was originally recruited as Constable on 08.12.1990.

4. At this stage, the learned counsel for the petitioner submits that as per preliminary objection taken in the return filed by UOI, he be permitted to approach the respondents under Rule 49, *ibid*, by way of filing revision petition. He, however urges that the limitation for filing the revision petition has long since expired and the revision petition once filed, is likely to be dismissed by the respondents authorities as being barred by time.

5. Keeping in view the fact that the writ petition had been instituted in the year 1996 and the same had remained pending before the High Court since then, it is ordered that in case the petitioner files the revision petition within a period of 90 days from the date of receipt of

certified copy of this order, the respondent authorities will not dismiss the petition on account of delay and will adjudicate the same on merits.

6. Disposed of accordingly.

16.07.2019
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(ARUN MONGA)
JUDGE

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| 1. | Whether reportable? | Yes / No |
| 2. | Whether reasoned / speaking? | Yes / No |