

**Sr. No.144
IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CWP No.35130 of 2019 (O&M)

Date of Decision: 03.12.2019

Kashmir Singh

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Himanshu Rao, Advocate,
for the petitioner.

Ms. Monica Chhibber Sharma, Sr. DAG, Punjab.

ARUN MONGA, J.(ORAL)

1. Impugned herein, inter alia, is punishment order dated 14.09.1999 (Annexure P-2), whereby petitioner's two years regular service was forfeited with permanent effect for the purpose of annual increments.

2. Aggrieved, the petitioner preferred departmental appeal against the same and taking a lenient view therein vide order dated 20.02.2006, the punishment order was modified by observing that instead of two years, one year service with permanent effect would be forfeited.

3. The petitioner thereafter seems to have acquiesced to the appellate order and did not seek any further remedy. However, at a belated stage, he filed a writ petition before this Court challenging the appellate order, which was disposed of without going into the merits of the case with a direction to the respondents to pass a speaking order.

4. Pursuant thereto, an order dated 05.10.2018 (Annexure P-9) also assailed herein has been passed rejecting the claim of the petitioner on the ground that no new facts have been brought forth after passing of the appellate order, which had since attained finality in year 2006.

5. Order dated 05.10.2018 is non-speaking, inasmuch as, it merely reproduces the background of the case as recitals. In the end, it is cryptically observed that no new facts have been stated by the petitioner in his representation and therefore, the same is rejected being devoid of merits. However, conceded position that emerges is that the delay of more than 10 years in assailing appellate order dated 14.01.2005 has neither been explained by petitioner nor even otherwise in any manner attributed to the respondents.

6. In the premise, order dated 05.10.2018 rightly states that the appellate order was since passed in the year, 2006 and no new material has been brought forth and the same has since attained finality.

8. Writ petition is thus devoid of merit and is dismissed.

(ARUN MONGA)
JUDGE

03.12.2019

vandana

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No