

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

CWP No. 37239 of 2019 (O&M)

Date of decision : 20.12.2019

Balbir Singh

.... Petitioner

versus

Central Administrative Tribunal, Chandigarh Bench,
Chandigarh and others

... Respondents

**Coram: Hon'ble Mr. Justice Ravi Shanker Jha, Chief Justice.
Hon'ble Mr. Justice Rajiv Sharma**

Present Mr. Surinder Sharma and Mr. Lovish Rattan, Advocates,
for the petitioner.

Ravi Shanker Jha, Chief Justice

Having heard learned counsel for the petitioner and having perused the record, it is evident that the petitioner had claimed appointment and regularization as Chowkidar which was dismissed by the Tribunal on 14.7.2006. The petitioner now seeks to challenge an order dated 14.7.2006 passed in MA No. 742 of 2005 filed in OA No. 140/CH/2004, wherein the claim of the petitioner for appointment and regularisation was rejected by the Tribunal, as the petitioner had failed to produce the necessary documents that the Tribunal had required the petitioner to produce.

Apparently there is a delay of thirteen years in challenging the order. Learned counsel for the petitioner submits that though the petitioner has taken several proceedings before the authorities including filing of writ petition before this Court, however, the petitioner had admittedly not challenged the order passed by the Tribunal on 14.7.2006. It is submitted that in such circumstances CWP No. 12433 of 2014 filed by the petitioner

was withdrawn with liberty to challenge the order dated 14.7.2006. It is stated that the petition was withdrawn on 12.9.2019 and thereafter, the present petition has been filed.

It is, however, observed that the passing of the order dated 14.7.2006 was well within the knowledge of the petitioner and has attained finality in the absence of any challenge to the same for the last 13 years. It is also evident from the record that there is no reasonable acceptable explanation for the delay and laches on the part of the petitioner in not challenging the order dated 14.7.2006 though it was well within the knowledge of the petitioner.

In view of the unexplained delay and laches of thirteen years, the petition filed by the petitioner is dismissed on the ground of delay and laches in view of the decisions of Hon'ble the Supreme Court in Bhoop Singh vs Union of India 1992 (3) SCC 136, U.P. Jal Nigam and another vs Jaswant Singh and another 2006 (11) SCC 464, Union of India vs M. K. Sarkar 2010 (2) SCC 59, Jammu & Kashmir vs R. K. Zalpuri and others 2015 (15) SCC 602 and I. Ismail vs K. Shameem Rani and another 2015 (17) SCC 526.

(Ravi Shanker Jha)
Chief Justice

20.12.2019
vs

(Rajiv Sharma)
Judge

Whether speaking/ reasoned

Yes/No

Whether Reportable

Yes/No