

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

**CWP-36738-2019 (O&M)
Date of Decision:15.01.2020**

Rachhpal Singh

... Petitioner

Versus

State of Punjab & others

... Respondents

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. N.S. Swaitch, Advocate for the petitioner.

....

TEJINDER SINGH DHINDSA, J. (ORAL).

Petitioner who is serving as a Head Constable under the Punjab Police has filed the instant petition assailing the order dated 22.08.2014 (Annexure P-9), whereby a penalty of forfeiture of 5 years service on a permanent basis was imposed upon him. Further challenge is to the orders dated 01.12.2014 and 25.02.2015 (Annexures P-11 and P-13 respectively) and whereby the appeal as also the revision preferred by the petitioner has been dismissed thereby affirming the imposition of major penalty.

Having heard counsel at length, this Court is of the considered view that there would be no requirement of examining the validity of the impugned orders on merits.

Petition suffers from an inordinate delay.

An attempt was made by counsel to overcome the aspect of delay by contending that challenge in the instant petition has also been made to an order dated 09.05.2019 (Annexure P-21) which had been passed pursuant to order dated 15.02.2019 (Annexure P-20) passed by this Court while disposing of **CWP-16289-2018 (Rachhpal Singh Vs. State of Punjab & others).**

Even such contention is wholly misconceived. This Court rather is constrained to observe adversely as regards the conduct of the petitioner.

It has gone uncontroverted that against the basic order of imposition of major penalty of forfeiture of 5 years service on permanent basis, petitioner filed an appeal and which was rejected vide order dated 01.12.2014 at Annexure P-11. Petitioner then filed a revision petition which was also declined in terms of order dated 25.02.2015 at Annexure P-13. Counsel concedes that the orders passed by the Appellate Authority as also Revisional Authority dated 01.12.2014 and 25.02.2015 were duly communicated to the petitioner. In spite thereof, CWP-16289-2018 was filed in this Court and the contention raised was that the appeal preferred by the petitioner against the order of major penalty has not been decided till date. Taking notice of such contention, CWP-16289-2018 was disposed of on 15.02.2019 by passing the following order:

“CWP No. 16289 of 2018

Date of Decision: February 15, 2019.

Rachhpal Singh

....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE RAJAN GUPTA

Present: Mr. N.S.Swaitch, Advocate for the petitioner.

Rajan Gupta, J (Oral)

Only grievance of the petitioner is that he preferred appeal before respondent No.2 but no decision has been taken thereon.

Petition is disposed of with the observation that in case appeal is found to be maintainable, a decision thereon be taken at the earliest and copy thereof be supplied to the petitioner.

(Rajan Gupta)

Judge”

Clearly, the order dated 15.02.2019 passed by this Court was procured by the petitioner on a mis-statement. Not only the appeal but even the revision filed by the petitioner against the order of major penalty had been decided by passing of orders dated 01.12.2014 and 25.02.2015 and such orders were communicated to the petitioner. In spite thereof, a stand was taken before this Court on 15.02.2019 stating that an appeal was still pending. It is a case where an attempt was made to hoodwink this Court so as to overcome delay.

Apart from the instant petition raising a belated challenge to an order of major punishment passed in the year 2014, even the conduct of the petitioner dis-entitles him from any relief.

Petition is dismissed.

15.01.2020*harjeet***(TEJINDER SINGH DHINDSA)
JUDGE**

- | | | |
|-----|----------------------------|--------|
| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |