

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

LPA-502-2021 (O&M)
Date of Decision:-28.6.2021

Narinder Singh

... Appellant

Versus

State of Punjab and others

... Respondents

**CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA
HON'BLE MR. JUSTICE KARAMJIT SINGH**

Present:- Mr. Daljeet Singh Kahlon, Advocate
for the appellant.

KARAMJIT SINGH, J.

Case has been heard through video conferencing on account of
COVID-19 Pandemic.

The appellant has filed this Letters Patent Appeal against the
order dated 15.2.2021 passed by learned Single Judge whereby CWP-15380-
2020 filed by the appellant was dismissed on the ground of delay and laches
and he was also burdened with ₹50,000/- as costs.

The case of the appellant is that he was appointed as Science
Master against the temporary post on 3rd September, 1973 for a period of 6

months. He was again appointed on the said post from time to time and his services were regularized on 7.2.1979. The appellant immigrated to USA in 1993 and he applied for voluntary retirement on 10.4.1995 and thereafter he sent his resignation on 10.6.1995 but his resignation was not accepted despite the fact that he sent various representations. He made prayer that his request for voluntary retirement dated 10.4.1995 be accepted and he be also given all the consequential benefits.

The plea of the appellant was contested by the State.

After hearing both the parties, the learned Single Judge dismissed the writ petition of the appellant vide impugned order dated 15.2.2021.

Aggrieved by the same, present appeal has been filed by the appellant.

We have heard the counsel for the appellant.

The counsel for the appellant contended that the delay in filing of the writ petition was fully explained by the appellant, before the learned Single Judge. The learned counsel further submitted that the appellant immigrated to USA in 1993 and thereafter he applied for voluntary retirement on 10.4.1995 and finally sent his resignation on 10.6.1995. The learned counsel further submitted that the government failed to take any action on his request for voluntary retirement dated 10.4.1995 till date. The learned counsel further contended that in the present case the inaction was actually on behalf of the Government, which is sleeping over the matter for

the last so many years. The counsel for the appellant while impugning the impugned order passed by learned Single Judge further contended that the costs of ₹50,000/- was wrongly imposed on the appellant. The imposition of such a heavy costs was unwarranted. The learned Single Judge wrongly saddled the appellant with heavy costs. The learned counsel prayed for the waiver of the same.

We have considered the submissions made by the counsel for the appellant.

Admittedly, the appellant went to USA in 1993, when he was in government service. It is the case of the appellant that he sought voluntary retirement on 10.4.1995 and thereafter sent his resignation on 10.6.1995, but the government failed to take any action in this regard, till date. Admittedly, even at present the appellant is staying in USA, as he has got US citizenship.

It is true that limitation does not strictly apply to writ petitions, nevertheless such an issue like acceptance of voluntary retirement or resignation of the government employee, cannot be agitated after an unreasonable delay of approximately 24 years. In the present case, the appellant remained away from India and did not bother to agitate the matter in question for years and he issued legal notice only on 19.2.2020. In these circumstances, the learned Single Judge rightly observed that the writ petition suffers from huge delay and laches, which have not been explained by the appellant and consequently dismissed the writ petition with costs of ₹50,000/- to be deposited with 'Poor Patients Welfare Fund' of the Post

Graduate Institute of Medical Education and Research (PGIMER), Chandigarh, personally or through its website 'www.pgimer.edu.in'.

In the light of the above, we are of the considered view that the appeal is devoid of merits and even no ground is made out for waiver of the costs imposed by the learned Single Judge.

Consequently, the present appeal is hereby dismissed.

(RAJAN GUPTA)
JUDGE

(KARAMJIT SINGH)
JUDGE

28.6.2021
Gaurav Sorot

Whether reasoned / speaking?

Yes / No

Whether reportable?

Yes / No