

In the High Court of Punjab and Haryana, at Chandigarh

Civil Writ Petition No. 15380 of 2020

Date of Decision: 15.02.2021

Narinder Singh

... Petitioner(s)

Versus

State of Punjab and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Daljeet Singh Kahlon, Advocate
for the petitioner(s).

Mr. Nikhil Chopra, Additional Advocate General,
Punjab, for the respondents.

Anil Kshetarpal, J.

On 25.09.2020, the following order was passed:-

“Upon being confronted, as to how, the petition at hands would even be maintainable as also the gross, inordinate and unexplained delay, it suffers from.

Learned counsel for the petitioner prays for a short accommodation to prepare and argue the matter.

Adjourned to 08.12.2020”.

The petitioner, by filing this writ petition under Article 226/227 of the Constitution of India, prays for the following substantive reliefs:

“ii. Issuance of a writ in the nature of Mandamus for directing to the official respondent no. 2 to 5 to accept the request letter (Annexure P-4) dated 10.04.1995 for seeking the voluntarily retirement from the post of Science Master on compilation of

his twenty years of service in the respondents department and for acceptance of his resignation dated 01.06.1995 (Annexure P-5) in the interest of justice and further seeking the issuance of the direction to the respondents to release the entire service benefits to the petitioner including the retired pension etc. w.e.f. 1993 along with interest @ 18% since in the interest of justice, but the respondents are not accepting the request of the petitioner since 1995 and not releasing his service benefits despite of repeated request, which is illegally, arbitrary and against the principle of the natural justice, otherwise irreparable loss would cause to the petitioner”.

The petitioner has pleaded that he was appointed as a Science Master against a temporary post on 03.09.1973 for a period of six months. Thereafter, he was again appointed in the year 1974. He claims that his services were regularized on 07.02.1979. The petitioner claims to have migrated to the United States of America in the year 1993. He further claims that he applied for voluntary retirement on 10.04.1995 and thereafter, sent his resignation on 10.06.1995.

The petitioner further claims that he has sent various representations in the year 2019.

During the course of arguments, learned counsel for the petitioner submits that the petitioner does not claim pensionary benefits,

however, there are certain arrears of salary with the respondents, which should be got released.

Having heard learned counsel for the petitioner at some length, this Court is of the considered view that the writ petition suffers from huge delay. Apart therefrom, the writ petition also suffers from unexplained latches. As per the writ petition, there was total inaction on the part of the petitioner from the year 1995 to 2019 i.e. for a period of 14 years. This writ petition was filed on 17.07.2020.

In the considered view of this Court, the writ petition is clearly an abuse of the process of the Court and therefore, is liable to be dismissed on this ground itself. Hence, the writ petition is dismissed with the costs of ₹50,000/-, to be deposited with the “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”, within a period of one month from the date of receipt of a copy of this order.

(Anil Kshetarpal)
Judge

February 15, 2021

“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No