

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

**CWP-16514-2021
Date of Decision: 10.09.2021**

SURENDER KUMAR

...Petitioner

Versus

STATE OF HARYANA AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Deepak Sonak, Advocate
for the petitioner.

Ms. Rajni Gupta, Addl. A.G., Haryana.

ARUN MONGA, J. (ORAL)

Petitioner, working as a Warder in Prison Department, Government of Haryana, is before this Court, impugning a punishment order dated 16.04.2015, whereby he was imposed a penalty of stoppage of two increments with cumulative effect. Punishment was awarded after he was indicted in the enquiry report dated 03.02.2014, *inter alia* on the delinquency of having been implicated in the misconduct of possessing 170 tablets of *Nitrazepam-10*. Qua which, separate criminal proceedings were also instituted bearing FIR No.455 dated 22.11.2007 registered under Section 22/61/85 of the NDPS Act.

2. Learned counsel for the petitioner argues that based on the same set of allegations, simultaneous disciplinary proceedings as well criminal proceedings were instituted and while the petitioner has been acquitted in the criminal proceedings but in the departmental proceedings, he has been awarded punishment as aforesaid.

3. Learned State counsel, on advance service, appears and raises preliminary objection. She submits that challenge to the punishment order is hopelessly time barred, inasmuch as, the same was challenged before the Appellate Authority and vide order dated 02.02.2016, the same was upheld. Thereafter, the second appeal filed against the same also met similar fate vide order dated 20.09.2016. She submits that acquittal in criminal proceedings was considered by the Appellate Authority and but the same did not find favour with it. In any case, the orders passed by the Appellate Authorities below, impugned herein, were passed more than four years ago and having once acquiesced to the same, it is too belated to open the case afresh.

4. Having heard the arguments and on perusal of writ petition, no grounds to interfere in the extra ordinary writ jurisdiction of this court are made out, once by his own conduct of non-challenge of orders impugned herein within reasonable period, the petitioner had acquiesced thereto.

5. Dismissed on the ground of delay alone.

(ARUN MONGA)
JUDGE

10.09.2021
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No