

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

CWP-6043-2022

Date of decision: March 24, 2022

Dr. Gajanand Aggarwal

....Petitioner

versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

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

Ms. Kirti Singh, DAG Haryana.

ARUN MONGA, J. (ORAL)

Petition herein, *inter alia*, is for issuance of a writ in the nature of Mandamus directing the official respondents to afford an opportunity of personal hearing to the petitioner and considering the representation dated 26.04.2012 (Annexure P-12) and legal notice dated 19.08.2019 (Annexure P-17).

2. Learned counsel for the petitioner submits that the petitioner is aggrieved by the order dated 01.12.2011 passed by respondent No.1 and also by the inaction of the State Authority as neither the appeal of the petitioner has been heard nor any order has been received by the petitioner. Petitioner was appointed as a Medical Officer on *ad hoc* basis on 07.08.1981 and thereafter, appointed on regular basis in the year 1985 being recommended by the Haryana Public Service Commission. He submits that on 19.01.2005, petitioner was issued a charge-sheet with the allegation that he had done the ultrasound of one lady namely Poonam and disclosed her that she had conceived with a female child and he charged an amount of Rs.1500/- for the

same and the said amount was found in the possession of the petitioner. Upon this, an FIR No.46 dated 26.01.2002 was registered against him. Petitioner faced trial and ultimately got discharged of accusation by the learned trial Court on 04.01.2006. The initiation of proceedings and registration of FIR *ibid* was absolutely illegal. Petitioner submitted a detailed reply dated 12.06.2006 to the charge-sheet requesting for withdrawal of the same. Petitioner also moved a representation in March 2007 to the respondents, in this regard. Respondent No.1 issued a memorandum/ show cause notice dated 26.07.2007 giving an opportunity to the petitioner against proposed action of dismissal from service. Petitioner further made a representation dated 13.09.2007 stating that enquiry officer has wrongly held that the petitioner was present at Rohtak on 26.01.2002 and the raid was manipulated. The said lady was never produced before the enquiry officer. Petitioner received letter dated 22/23.10.2007 granting him personal hearing on 06.11.2007. Petitioner appeared before the authority but was not heard properly. Petitioner preferred a CWP-16485-2010 and it was directed to pass appropriate orders after considering the reply/ objections to the enquiry report. Thereafter, authorities passed an order dated 01.12.2011 and confirmed the punishment of dismissal from service of the petitioner. Petitioner was offered personal hearing on many occasions, but actually he was not heard ever. Ultimately, petitioner got issued a legal notice dated 19.08.2019 praying for affording him an opportunity of re-hearing and for setting aside the order of dismissal from service.

3. On advance notice, learned State counsel appears and opposes the issuance of notice of motion.

4. I have heard learned counsel for the parties and perused the record.

5. Perusal of the petition reveals that order of dismissal from service was passed way back in the year 2011. Though petition suffers from the vice of delay of more than 11 years in impugning the aforesaid dismissal order but even perusal of contents of the writ petition do not inspire any confidence.

6. The entire narrative in the writ petition and the contentions raised therein is on the merits of the impugned order without there being even a whisper to the circumstances as to why the petitioner having once acquiesced to the dismissal order dated 01.12.2011 has all of a sudden preferred to file a writ petition in the year, 2022 as a bolt from the blue.

7. Given the sheer colossal delay in the nature of relief being sought by the petitioner from this Court under the writ jurisdiction, this Court would refrain to interfere at this stage.

8. Writ petition is, accordingly, dismissed on the ground of delay and laches.

(ARUN MONGA)
JUDGE

March 24, 2022

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No