

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

234

LPA-367-2020 (O&M)

Date of Decision: May 09, 2022

Om Parkash

....Appellant

VERSUS

Union of India & others

....Respondents

**CORAM: HON'BLE MR. JUSTICE G. S. SANDHAWALIA
HON'BLE MR. JUSTICE PANKAJ JAIN**

Present:- None for the appellant.

Mr.P.K.Saini, Advocate, for the respondent-UOI.

G.S. SANDHAWALIA, J. (Oral):

The present appeal is directed against the order of the learned Single Judge passed in CWP-31385-2019 on 31.10.2019, wherein the writ petition was dismissed on the grounds of both delay and on merits. Challenge in the writ petition was to the orders dated 11.10.2021, 14.06.2010 and 09.03.2010 (Annexures P-5, P-3 & P-2) which was filed only in the year 2018 which led to the learned Single Judge dismissing the same on the ground of delay also.

In the writ petition, the impugned order dated 09.03.2010 is of compulsory retirement of the appellant. A perusal of the same which is the initial order would go on to show that the appellant was serving as a Constable with the Western Railways. He remained absent from duty without information and thereafter, misbehaved with his superiors. He was duly charge-sheeted for disobeying the orders and an Enquiry Officer was duly nominated and an adverse finding came against him. Resultantly, keeping in view the above facts, penalty of compulsory retirement was ordered, with immediate effect. The order in the

departmental appeal and other orders were also passed against the said employee, as noticed by the learned Single Judge.

The appellant had chosen not to agitate for his grievance within a reasonable period and there was a delay of almost 8 years after the last order was passed. In such circumstances, keeping in view the background of the case and the settled principle that the extraordinary writ jurisdiction is to be exercised within a reasonable period, we are of the considered opinion that the order dated 31.10.2019 passed by the learned Single Judge does not suffer from any illegality or irregularity which would require interference by this Court. The respondents were well justified in passing the order dated 09.03.2010 (Annexure P-2) of compulsory retirement of the appellant. The same was done after following the procedure prescribed by holding a departmental enquiry.

Resultantly, in view of the above discussion, the present appeal along with the application for condonation of delay in filing the same, are dismissed.

(G. S. SANDHAWALIA)
JUDGE

(PANKAJ JAIN)
JUDGE

MAY 09, 2022

sailesh

Whether speaking/reasoned Yes/No

Whether reportable Yes/No