

106.

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

CWP-6599-2021 (O&M)

Date of Decision: 06.09.2022

JASWANT SINGH

.... Petitioner

Versus

STATE OF HARYANA AND OTHERS

.... Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Sandeep Goyat, Advocate,
for the petitioner.

JAISHREE THAKUR.J (Oral)

CM-13609-CWP-2022

This is an application that has been filed seeking for actual date of hearing in the instant writ petition.

Vide order dated 14.12.2021, the present petition was ordered to be listed as and when the petitioner places on record the prescription showing his mental ailment.

In compliance thereof, the applicant-petitioner, vide application CM-13614-CWP-2022, seeks to place on record the document as Annexure P-21.

Accordingly, the application is allowed and the present case is revived and taken up for hearing today itself.

CM-13614-CWP-2022

Application is allowed, as prayed for.

Document, Annexure P-21, is taken on record, subject to all just exceptions.

CWP-6599-2021

The petitioner herein seeks to challenge order dated 24.09.2002, Annexure P-1, whereby he was awarded with punishment of stoppage of two increments with permanent effect and the subsequent orders passed in appeal and revision, Annexure P-2 and P-3, upholding that punishment.

The brief facts of the case are that the petitioner, while posted in Police Line, Hisar, initially applied for 10 days casual leave on 27.04.1998. He was supposed to return on duty on 08.05.1998, but instead thereof, he again applied for 5 days casual leave on account of death of his brother-in-law. He had to resume his duty on 14.05.1998, but he overstayed for a period of 1 year, 6 months and 7 days i.e. w.e.f. 14.05.1998 to 01.12.1999. He was also deputed for general elections, but he did not resume his duties, for which, an FIR No.540, dated 04.10.1999, was registered against him under Section 29 of the Police Act at Police Station Sadar, Hisar. For his misconduct, departmental enquiry was also initiated against him. He was found guilty of the charges levelled against him. Accordingly, the punishing authority respondent No.4, Superintendent of Police, Hisar, vide order dated 24.09.2002, Annexure P-1, awarded him a punishment of two increments with permanent effect. Against that order, he filed appeal before the Inspector General of Police, Hisar Range, Hisar, respondent No.3, however, it was dismissed vide order dated 21.04.2003, Annexure P-2. Against the said orders, a revision petition was preferred before the Director General of

Police, Haryana, respondent No.2, however, it was also dismissed vide order dated 24.09.2003, Annexure P-3. Hence, the present petition.

Learned counsel appearing on behalf of the petitioner would argue that while passing the orders impugned, the medical documents submitted by the petitioner were ignored. He was suffering from mental illness. He had to resume duties on 14.05.1998, but since he was advised rest, he could not resume his service. He was continuously taking his treatment and in this respect, he has appended various illness certificates issued by the Principal Medical Officer, National Unani Dispensary Surjgarh, Jhunjhunu, Rajasthan, Annexures P-5 to P-19. He would also argue that the petitioner was never served with any kind of notice to resume his duties to perform election duties in Lok Sabha. He was acquitted in the aforesaid FIR No.540, vide judgment dated 09.11.2006, holding that when he was asked to join his duties, he was not present at the station and, therefore, no negligence can be attributed to him in not performing the election duty.

I have heard learned counsel for the petitioner.

Without commenting on the grounds of illness of the petitioner, as pleaded, the present petition is liable to be dismissed on the ground of delay and laches. His revision petition, against the punishment of stoppage of two increments with permanent effect, was dismissed in the year 2003 and thereafter, he sat over the matter for about 18 years and approached this Court in 2021. The petition cannot be entertained at this belated stage.

The law is well settled that one has to be vigilant regarding his rights. The doctrine of 'Delay or Laches' is an equitable doctrine. It is based

on the maxim “Vigilantibus non dormientius aequitas subvenit” which means equity aids the vigilant and not the ones who sleep over their rights. A writ court is required to weigh the explanation offered and the acceptability of the same. The court should bear in mind that it is exercising an extraordinary and equitable jurisdiction. It is well settled law that though there is no period prescribed for filing the writ petition under Article 226 of the Constitution of India, yet it should be filed within a reasonable time.

In view of above, this Court does not find any ground to entertain the instant writ petition. Consequently, the writ petition is dismissed.

(JAISHREE THAKUR)
JUDGE

06.09.2022

sanjeev

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No