

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
CWP-5970-2022
Date of decision: March 29, 2022

Hanuman Singh

....Petitioner

versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Jayoti Parshad Sharma, 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 Certiorari quashing the impugned order dated 18.02.1999 (Annexure P-5) passed by respondent No.2 stopping his two increments with cumulative effect. Prayer is also made for issuance of a writ in the nature of Mandamus directing the respondents to release the arrears of 38 months only with interest.

2. Learned counsel for the petitioner submits that on 01.12.1988, petitioner joined on the post of Conductor in the office of respondent No.3. He submits that due to certain domestic disturbances/circumstances, petitioner remained absent from duty w.e.f. 01.12.1995 to 18.07.1996, 18.10.1996 to 28.01.1997 and 03.08.1997 till the charge-sheet was issued to him. Enquiry was conducted and ultimately, services of the petitioner were terminated vide order dated 16.07.1998. Petitioner preferred an appeal before the State Transport Controller, Haryana against the said order of termination. The said appeal came up for hearing on 18.02.1999 and keeping in view the family disturbances/circumstances as put forth by the petitioner, his services were reinstated giving the benefit of sympathy. However, two annual increments with cumulative effect were

stopped and treated the absent period as non-duty period and ordered that no pay shall be paid for the said period. Hence, the present writ petition.

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 stoppage of two annual increments with cumulative effect was passed way back in the year 1999. Though petition suffers from the vice of long delay of more than 22 years in impugning the aforesaid order but even perusal of contents of the writ petition shows that the same 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 impugned order dated 18.02.1999 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 29, 2022
mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No