

LPA-342-2022(O&M)

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

LPA-342-2022(O&M)
Date of decision: 02.05.2022

Hanuman Singh

...Appellant

Versus

The State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAVI SHANKER JHA, CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Jayoti Parshad Sharma, Advocate,
for the appellant.

* * * *

RAVI SHANKER JHA, C.J. (ORAL)

This is an intra-court appeal, under Clause X of the Letters Patent, against an order and judgment dated 29.3.2022, rendered by the learned Single Judge in CWP-5970-2022, vide which the writ petition preferred by the appellant, assailing the order dated 18.02.1999, passed by respondent No.2, whereby punishment of stoppage of two increments with cumulative effect was imposed upon him, has since been dismissed.

Brief facts, leading to filing of the present appeal, are that the appellant was working as Conductor in the office of respondent No.3. He was issued a charge-sheet for long absence from duty. Consequently, an inquiry was conducted and his services were terminated, vide order dated 16.07.1998. Aggrieved by the order of termination, he filed an appeal before the State Transport Controller, Haryana, who, after considering the admission made by the appellant as regards his absence from duty and his

plea for sympathetic consideration, reduced the punishment from termination of services to that of stoppage of two annual increments with cumulative effect, vide order dated 18.02.1999. The appellant, thereafter, approached this Court vide a writ petition, referred to above, assailing the order dated 18.02.1999 (*ibid*), but, after a long and unexplained delay of more than 22 years. The learned Single Judge, taking into consideration the aforesaid aspect of the matter, dismissed the writ petition on account of delay and laches.

Learned counsel for appellant submits that the present case is one, where the appellant has been suffering monetary loss every month and in such circumstances, the writ petition could not have been dismissed on account of delay and laches, being a recurring cause of action.

We have heard the learned counsel for the appellant and perused the records.

The abovesaid contention raised by learned counsel for the appellant is heard only to be rejected, for the appellant is not aggrieved by the fact that he is drawing less pay, but is, in fact, aggrieved by the order dated 18.02.1999, whereby his two annual increments were stopped with cumulative effect. And, pursuant to which, his pay was commuted, and he has been paid the commuted pay since then. Thus, the cause of action, if any, accrued to the appellant on passing of the said order, i.e. on 18.2.1999, and, at any rate, it cannot be said to be a recurring cause of action.

Apart from the above, it is also observed that the appellant was, in fact, imposed with a punishment of termination of services, vide order dated 16.7.1998, but the authorities, on account of his admission that due to the domestic problems he was faced with, he absented himself from duty,

took a lenient view and reduced his punishment, vide order dated 18.02.1999. Concededly, the appellant has approached this Court after a period of more than 22 years, which shows his act of acquiescence to the order dated 18.2.1999. Thus, it rather appears that institution of the petition by the appellant was speculative and an attempt to resurrect a stale and dead claim. It is a settled proposition of law that the petitions suffering from such a long, inordinate and unexplained delay cannot be entertained, as has been held by the Supreme Court in the case of **Union of India and others V. N. Murugesan and others**, (2022) 2 SCC 25, wherein it has referred to the decisions in the cases of: **U.P. Jal Nigam V. Jaswant Singh**, (2006) 11 SCC 464; **State of Karnataka V. S.M. Kotrayya**, (1996) 6 SCC 267; **Jagdish Lal V. State of Haryana**, (1997) 6 SCC 538; **Union of India V. Virpal Singh Chauhan**, (1995) 6 SCC 684; **Union of India V. C.K. Dharagupta**, (1997) 3 SCC 395; **State of W.B. V. Tarun K. Roy** (2004) 1 SCC 347; **State of W.B. V. Debdas Kumar**, 1991 Supp (1) SCC 138; **Eastern Coalfields Ltd. V. Dugal Kumar**, (2008) 14 SCC 295; **Tilokchand Motichand V. H.B. Munshi**, (1969) 1 SCC 110; **Rabindranath Bose V. Union of India**, (1970) 1 SCC 84; **State of J&K V. R.K. Zalpuri**, (2015) 15 SCC 602; **City & Industrial Development Corpn. V. Dosu Aardeshir Bhiwandiwalla**, (2009) 1 SCC 168; **Karnataka Power Corpn. Ltd. V. K. Thangappan**, (2006) 4 SCC 322; **State of M.P. V. Nandlal Jaiswal**, (1986) 4 SCC 566; **State of Maharashtra V. Digambar**, (1995) 4 SCC 683; **Chennai Metropolitan Water Supply & Sewerage Board V. T.T. Murali Babu**, (2014) 4 SCC 108; **Tukaram Kana Joshi V. MIDC**, (2013) 1 SCC 353; **Durga Prashad V. Controller of Imports & Exports**, (1969) 1 SCC 185; **LAO V. Katiji**, (1987) 2 SCC

107; Dehri Rohtas Light Railway Co. Ltd. V. District Board, Bhojpur, (1992) 2 SCC 598; Dayal Singh V. Union of India, (2003) 2 SCC 593; and Shankara Coop. Housing Society Ltd. V. M. Prabhakar, (2011) 5 SCC 607.

In the wake of the above, we are dissuaded to interfere with the impugned order and judgment rendered by the learned Single Judge.

The appeal being bereft of merit is accordingly dismissed.

**(RAVI SHANKER JHA)
CHIEF JUSTICE**

**(ARUN PALLI)
JUDGE**

02.05.2022

AK Sharma

Whether speaking/reasoned	Yes
Whether reportable	Yes/No