

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

CWP-14864-2022

Decided on: 04.08.2022

Vikas Saini

... Petitioner

Versus

Union of India & others

... Respondents

**CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA
HON'BLE MR.JUSTICE VIKAS SURI**

Present:- Mr.Krishan Kanha, Advocate, for the petitioner.

Ms.Paramjit Kaur, Advocate, for
Ms.Puneeta Sethi, Senior Panel Counsel,
for the respondent-UOI.

G.S. Sandhawalia, J. (Oral)

Challenge in the present writ petition is to the order of the learned Central Administrative Tribunal, Chandigarh Bench (for short, the 'Tribunal') dated 28.08.2017 (Annexure P-1) whereby it declined to interfere with the order of the disciplinary authority dated 15.05.2010 which was upheld in appeal.

In effect, vide the said order, punishment of reduction of pay by three stages from Rs.8700/- to Rs.8100/- in the time-scale of pay of Rs.7100-200-10100 for a period of 2 years w.e.f. 01.06.2010 was inflicted. Further the petitioner was not to earn any increment during the period of reduction and on the expiry of the punishment, reduction would have the effect of postponing his future increments of pay.

The Tribunal had found that there was no error in the disciplinary proceedings and the petitioner was asked to cross-examine

the 8 witnesses which they had relied upon but he did not chose to do so. Thus, keeping in view the settled principles laid down by the Apex Court in **B.C.Chaturvedi Vs. Union of India & others, (1995) 6 SCC 749**, that it was not within its ambit to interfere in the punishment orders the petition was dismissed.

In the absence of any perversity in the order of the Tribunal, we are of the considered opinion that apart from the merits, even the writ petition at this belated stage is not maintainable which has been filed 5 years after passing of the impugned order. Though it is settled principle that the Limitation Act does not apply to the extraordinary jurisdiction of the Writ Court but the fact remains that the said jurisdiction is to be exercised for the persons who are vigilant about their rights and not for those who sleep over them.

In such circumstances, we are of the considered opinion that on the issue of delay and laches also, the present writ petition is not maintainable and resultantly, the same is dismissed.

(G.S. SANDHAWALIA)
JUDGE

August 4, 2022
sailsh

(VIKAS SURI)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No