

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

CWP No.8375 of 2017 (O&M)

Date of Decision.11.03.2022

Ishwar Singh

...Petitioner

Vs

State of Haryana and others

...Respondents

CORAM:HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: None for the petitioner.

Mr. Tapan Kumar Yadav, DAG, Haryana.

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JAISHREE THAKUR J. (ORAL)

This is a petition that has been filed as far back as 017 for issuance of a writ in the nature of certiorari to quash the impugned order dated 28.08.2001 whereby the petitioner has been awarded the punishment of stoppage of five increments with permanent effect. The matter was listed on 25.04.2017 whereby a Coordinate Bench of this Court noted that the petitioner has not exhausted the remedy of appeal before the Appellate Authority and that there is a delay of about 15 years in filing of the writ petition. The matter has been adjourned on subsequent dates when counsel for the petitioner had sought time to address arguments. On 11.08.2017, it was made clear that if the matter is not argued on the next date of hearing, the petition will be deemed to be dismissed in default. As no one had put in appearance on behalf of the petitioner on 18.08.2017, the matter stood dismissed for want of prosecution. The petitioner then moved an application for restoration of the writ petition, which was allowed by an order dated 19.09.2019. The matter was then listed on 15.01.2020, on which date, no one had put in appearance on behalf of the petitioner and the matter stood adjourned to 28.04.2020. Even today, there is no appearance on behalf of the petitioner.

Learned counsel appearing on behalf of the respondent-State would submit that reply has been filed in the instant case and it is contended that apart from the period under challenge, the petitioner remained absent from duty on several occasions and several regular departmental enquiries have been conducted in this regard. It is also submitted that against the order whereby there is stoppage of five increments with permanent effect, an appeal had been preferred by the petitioner, which was rejected, however, in the revision filed against the order passed in the appeal, the authorities took a lenient view and reduced the punishment to stoppage of two annual increments with permanent effect. It is submitted that the order passed in the revision has not been challenged in the instant petition and therefore, the writ petition is devoid of merit and not sustainable. It is also argued that there is inordinate delay in filing of the instant petition, which has not been explained.

I have heard learned counsel for the respondent-State and have perused the pleadings of the case. The writ petition seeks to challenge the impugned order dated 28.08.2001 whereby the petitioner has been awarded punishment of stoppage of five increments with permanent effect, however, there is no challenge to the order of the revisional authority whereby taking a lenient view, punishment stands modified and reduced to stoppage of two annual increments with permanent effect.

Consequently, I do not find any merit in the writ petition and the same stands dismissed.

(JAISHREE THAKUR)
JUDGE

March 11, 2022

Pankaj*

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No