

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

**CWP No. 26883 of 2022 (O&M)
Date of Decision: 23.11.2022**

Harbhajan Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Peeush Gagneja, Advocate
for the petitioner.

JAISHREE THAKUR, J.

1. The petitioner herein by way of instant writ petition seeks for issuance of a writ in the nature of Certiorari quashing the impugned report dated 18/27.1.2016 (P-3), vide which charges levelled against the petitioner stood proved, order dated 29.2.2016 (P-4), vide which punishment of forfeiture of two years of service for annual increments permanently was imposed upon the petitioner and the orders dated 23.6.2016, 23.5.2017, 13.11.2017, 14.2.2019 and 2.4.2019 (Annexures P-6 to P-10 respectively), vide which the appeals and the revision filed against the impugned order dated 29.2.2016 stood dismissed.

2. The brief facts are that the petitioner, while in service was deputed for watch duty of one Gurjot Singh son of Jugraj Singh, who was an accused in FIR No. 222 dated 15.11.2015 under Section 307 IPC and Sections 25 and 27 of the Arms Act, registered at Police Station Sadar Khanna and was arrested and was getting treatment at CMC Hospital,

Ludhiana, on account of having received multiple injuries. On the intervening night of 6/7.12.2015, 8-10 accomplices of said Gurjot Singh, took him along with them, without getting him discharged from the hospital. The petitioner and Havildar Parminder Kumar were not found present at that time and Havildar Harvinder Singh and Constable Sukhdev Singh were found sleeping on the first floor of Ward No. 14 of the Hospital. Consequently, the petitioner was charge sheeted and the charges levelled against him were found to be proved, vide inquiry report dated 27.1.2016 (P-3). After receipt of the inquiry report, the punishing authority, vide impugned order dated 29.2.2016 (P-4) imposed the punishment of forfeiture of two years of service for annual increments permanently. Aggrieved against the impugned order dated 29.2.2016, the petitioner filed appeals as well as revision, which were dismissed vide orders dated 23.6.2016, 23.5.2017, 13.11.2017, 14.2.2019 and 2.4.2019 (Annexures P-6 to P-10 respectively). After exhausting departmental remedies, the petitioner did not challenge the same in any court and rather sought voluntary retirement, who was ordered to be retired from service w.e.f. 31.7.2020.

3. Now after the gap of almost three years and seven months, petitioner has sought to challenge the impugned orders.

4. I have heard learned counsel for the petitioner and perused the documents annexed with the petition.

5. As already noticed, the petitioner, after exhausting the departmental remedies, sought voluntary retirement, which was allowed and he was ordered to be retired from service w.e.f. 31.07.2020. No serious procedural defect is alleged in the departmental proceedings held against the

petitioner at any stage. This Court in writ jurisdiction cannot sit as a forum of appeal against the quantum of punishment awarded in the departmental proceedings which were undertaken in accordance with the rules. Even the petitioner appears to have once accepted the final verdict in the departmental proceedings and sought voluntary retirement, which was granted to him as per rules. Now after sleeping over for a sufficient long period of more than 3-1/2 years, he has woken up to challenge the inquiry report and the orders passed against him.

6. The law is well settled now that one has to be vigilant enough 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. Even if 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.

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

23.11.2022

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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned :	Yes
Whether Reportable :	No