

121.

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

CWP-26263-2022 (O&M)

Date of Decision: 20.12.2022

JAGDIP SINGH

.... Petitioner

Versus

PUNJAB TOURISM DEVELOPMENT CORPORATION LIMITED AND
ANR.

.... Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Harmanjit Singh Thiara, Advocate,
for the petitioner.

JAISHREE THAKUR.J (Oral)

CM-19213-2022

Application is allowed, as prayed for.

Document, Annexure P-9 i.e. Copy of CWP No.4905 of 2017, is
taken on record, subject to all just exceptions.

CWP-26263-2022

This is a petition that has been filed under Article 226/227 of the
Constitution of India for issuance of a writ in the nature of certiorari for
quashing order dated 15.03.2010, Annexure P-5, as passed by respondent
No.2 whereby the application of the petitioner for being reinstated in service
has been rejected.

Learned counsel appearing on behalf of the petitioner would
argue that the petitioner herein had joined the service of the respondent-

Corporation as a daily wage Clerk on 22.11.1988 and his services came to be terminated by order dated 27.01.2003 by giving him one month's pay in lieu of one month's notice for termination. The said order was challenged by way of filing a writ petition bearing No.18076 of 2005 which was disposed of in terms of the order passed in CWP No.17742 of 2007 titled as *Chander Jyoti Versus Punjab Tourism Development Corporation and another*, dated 22.04.2008. On the basis of said order, the petitioner was permitted to move an application to the Government for his absorption which was to be considered sympathetically. The petitioner thereafter approached the respondent-Corporation seeking to be absorbed in some other government department, however, there was no such consideration of his application. The petitioner again approached the department and his representation for being reinstated was subsequently dismissed by an order dated 15.03.2010 which has been impugned in these very proceedings. Counsel would submit that others have been absorbed whereas the petitioner has been ignored.

I have heard learned counsel for the petitioner and find that there is no ground for interference in writ jurisdiction. It is well worth to note that before filing this petition, the petitioner Jagdip Singh had filed a writ petition No.4905 of 2017 with a prayer for quashing the impugned order dated 03.11.2005 whereby the petitioner had been removed from service of the respondent-Corporation. The present impugned order was already in existence when he had filed CWP No.18076 of 2005 which was decided on 22.04.2008 and liberty had been given to him to approach the Corporation for sympathetic consideration for absorption. When the petitioner approached this Court in the year 2017, he chose not to challenge the order

dated 15.03.2010 whereby his representation had already been rejected. The matter was argued at some length in CWP No.4905 of 2017 and, thereafter, the petitioner sought to withdraw the writ petition with liberty to seek recourse of alternative remedy available to him under the law. For reasons best known to him, he chose not to challenge the order whereby his representation was rejected even though it was well within his knowledge. Much water has flown since the year 2010 for this Court to interfere at this present stage. Even otherwise, it is now well settled that a person who sits over the matter and does not avail of his remedy at appropriate time, cannot be permitted to reopen any issue after an inordinate delay and in the instant case, the order sought to be challenged is of the year 2010 after a period of 12 years.

Consequently, the present writ petition is dismissed.

(JAISHREE THAKUR)
JUDGE

20.12.2022

sanjeev

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No