

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

CWP-3871-2023 (O&M)

Date of decision : 24.02.2023

Harjinder Singh

...Petitioner

Vs.

UT of Chandigarh and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Ms. Divya Sharma, Advocate for the petitioner.

MANOJ BAJAJ, J.

Petitioner has filed this writ petition under Article 226 Constitution of India for issuance of a writ in the nature of Certiorari for quashing the impugned orders dated 14.05.2008 and 10.03.2022, Annexure P-1 and P-5 respectively, whereby firstly the petitioner was ordered to be discharged from the rolls of the Home Guards Organization and subsequently his prayer for reinstatement was declined.

Learned counsel has argued that the petitioner was wrongly discharged from service vide impugned order dated 14.05.2008 (Annexure P-1) on the ground of absence from duty. She has submitted that the petitioner's mother was suffering from typhoid and after her recovery, the petitioner fell sick, which resulted in his absence and as the petitioner was prevented by sufficient reasons to report on duty, therefore, the impugned order is not sustainable. Learned counsel has further argued that the petitioner sent a legal notice in January, 2022 to respondents No.2 to 5, and requested for his reinstatement, but the same has been rejected with an observation that the

absence of the petitioner from duty was without any leave/intimation, therefore, he was discharged on 14.05.2008. She prays that the impugned orders dated 14.05.2008 and 10.03.2022 be set aside and the petitioner be reinstated in service.

After hearing the learned counsel and considering the material on record, this Court finds that the petitioner was discharged from service on 14.05.2008 and the legal notice was sent by the petitioner after a long gap of fourteen years, which has been considered by the respondents No.2 to 5, who intimated the petitioner that since he absented from duty without leave or intimation, therefore, he was discharged from service. A perusal of the order dated 14.05.2008 shows that along with petitioner various other Homeguards were also discharged and none of these has been enrolled again. The alleged ground of illness of petitioner and his mother is not supported with any material, therefore, this Court has no hesitation in holding that the claim raised by the petitioner in the writ petition not only meritless, but it also suffers from delay and laches.

Resultantly, the writ petition is dismissed.

(MANOJ BAJAJ)
JUDGE

24.02.2023
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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No