

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

LPA-620-2023 (O&M)
Date of decision:- 20.07.2023

Harpreet Singh @ Harpreet Pal Singh

...Appellant(s)

Versus

State of Punjab and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE RAVI SHANKER JHA, CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. P.P.S. Duggall, Advocate,
for the appellant.

Mr. Arjun Sheoran, Deputy Advocate General, Punjab.

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RAVI SHANKER JHA, C.J. (ORAL)

This appeal is directed against an order dated 27.02.2023 passed by the learned Single Judge dismissing the writ petition filed by the petitioner (appellant herein).

The writ petition had been filed by the petitioner being aggrieved by an order dated 06.05.2008 (Annexure P-1) dismissing him from service and an order dated 17.03.2010 (Annexure P-2) whereby his statutory appeal was dismissed. The learned Single Judge has dismissed the writ petition on the ground that it suffers from delay and laches of more than twelve years.

Learned counsel for the appellant submits that, in the meantime, the appellant had filed a revision as well and ultimately his mercy petition was dismissed by the Secretary, Punjab State Department of Home Affairs and Justice (Home-3 Branch) on 18.03.2019 and in such circumstances, the learned Single Judge had wrongly dismissed the writ petition on the ground of delay and laches.

We have heard learned counsel for the appellant at length.

From the facts available on record, it is evident that the appellant, who was working as a Constable in the Punjab Police, was dismissed from service on 06.05.2008. The statutory appeal filed by the appellant was dismissed on 17.03.2010. The revision filed by the appellant was dismissed on 30.10.2010 and thereafter he did not take up any proceedings for a very long time and the order dated 18.03.2019, on the strength of which the appellant is claiming that there is no delay, had been passed by the Home Secretary on a mercy petition filed by him for which there is no provision in the service rules.

Evidently, the appellant did not take any steps for assailing his dismissal after rejection of his revision on 30.10.2010 and the writ petition even otherwise had been filed in the year 2022 i.e. after twelve years from the date of passing of the orders by the series of authorities and more than three years after the order dated 18.03.2019 passed by the Home Secretary.

In view of the aforesaid facts, we are of the considered opinion that there is no illegality or infirmity in the order passed by the learned Single Judge. We are also of the considered opinion that the order dated 18.03.2019 on the basis of which it is alleged that the writ petition is not delayed also does not give any benefit to the appellant, inasmuch as the said order was passed on a mercy petition for which there is no provision in the service rules and there is nothing to indicate on record as to the date on which the mercy petition was in fact filed by the appellant.

Evidently, the order dated 18.03.2019 was procured only for the purposes of filing the writ petition which even otherwise had been filed after an unexplained delay of three years.

For the aforesaid reasons, we do not find any reason to interfere with the order passed by the learned Single Judge.

The appeal accordingly stands dismissed.

(RAVI SHANKER JHA)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

20.07.2023
Amodh Sharma

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No