

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

CWP No. 15692 of 2022

Date of decision : February 27, 2023

Ex-Constable Nishan Singh

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present :- Mr. Baljeet Singh Sidhu, Advocate
for the petitioner.

Mr. Sehajbir S. Aulaukh, AAG., Punjab.

PANKAJ JAIN, J. (ORAL)

Present petition has been filed under Article 226/227 of the Constitution of India impugning the order dated 16.03.2007 (Annexure P-1) whereby the petitioner was ordered to be dismissed and subsequent orders dated 01.08.2007 (Annexure P-8) that dated 04.03.2008 (Annexure P-9) and order dated 09.07.2010 (Annexure P-10) whereby the aforesaid order of dismissal dated 16.03.2007 (Annexure P-1) was affirmed. The petitioner has filed present petition claiming that while passing the order of dismissal dated 16.03.2007 Rule 16.2 of the Punjab Police Rules has not been given effect to as his claim for grant of pension was not considered while passing the order of dismissal. On 22.07.2022 this Court passed the following order:-

“The petitioner herein is seeking a relief of grant of pension

However, learned State counsel would submit that the petitioner had approached this Court earlier by way of filing a writ petition CWP No.18149 of 2020, which stood dismissed by an order dated 16.01.2012 and therefore, the instant writ petition would not be sustainable. He had a remedy of asking for his pension by taking into account the length of service at the time when he challenged his dismissal order.

*Counsel for the petitioner seeks time to address arguments.
Adjourned to 05.12.2022.”*

Today, learned counsel for the petitioner submits that petitioner was not aware of his rights and thus, could not approach this Court in time.

In the considered opinion of this Court, ignorance of law is no ground and the same in any way cannot be a sufficient cause to condone the delay of more than 14 years after the order of dismissal and subsequent orders passed in the years 2007-08. Thus, the present writ petition filed that too in the year 2022 would be definitely barred by delay and laches.

Consequently, the present writ petition is dismissed.

(PANKAJ JAIN)
JUDGE

February 27, 2023
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Whether speaking/reasoned
Whether Reportable :

Yes/No
Yes/No