

**119 IN THE HIGH COURT OF PUNJAB & HARYANA,
CHANDIGARH**

CWP No. 2267 of 2023

Date of decision : February 06, 2023

Bharpur Singh

..... Petitioners

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present:- Mr. Rupam K. Aggarwal, Advocate
for the petitioner.

Pankaj Jain, J (oral).

Present petition has been filed under Article 226/227 of the Constitution of India praying for issuance of writ in the nature of certiorari impugning the order dated 10.11.1994 (Annexure P-2) and the order dated 06.09.1999 (Annexure P-4) whereby the discharge order dated 10.11.1994 was affirmed.

The petitioner was earlier recruited as SPO pursuant to standing order dated 30.10.1990. He was ordered to be discharged on 10.11.1994 . The petitioner challenged the aforesaid discharge order by way of CWP-6682 of 1999. This Court directed the respondents to decide the representation dated 25.9.1995 filed by the petitioner. Pursuant to the order passed by Writ Court, respondents decided the representation vide order dated 6.9.1999 (Annexure P-4) whereby the discharge of the petitioner on account of habitual absence was reiterated.

Thereafter the petitioner opted not to challenge the said order till filing of the

present writ petition.

Learned counsel for the petitioner has relied upon various orders passed with respect to discharged S.P.Os. Heavy reliance has been placed on the order passed by the co-ordinate Bench of this Court in **CWP-16925-2012 dated 28.11.2018 Lakha Singh and others Vs. State of Punjab and others** (Annexure P-9) wherein the Writ Court held that the discharged S.P.Os were entitled to be absorbed as Constables keeping in view the fact that they had been pursuing their right which ought not have been rejected merely on the basis of delay and laches.

I have heard learned counsel for the parties and have gone through the record of the case.

In CWP-16925-2012 **Lakha Singh and others Vs. State of Punjab and others** this Court found that the petitioners therein were continuously litigating for their right, they ought not have denied their right on account of delay. However, in the present case admittedly, the petitioner is discharged owing to his habitual unauthorized absence. The issue attained finality vide order dated 6.9.1999 (Annexure P-4). By way of present writ petition the petitioner seeks to re-agitate the same after about 24 years.

In the considered opinion of this Court, the petitioner cannot claim parity with other S.P.Os who continuously agitated for their claim. The petitioner herein woke up from the slumber after 24 years and thus, cannot claim that his right

will not be barred by delay and laches.

In view of the aforesaid factual position, this Court does not find it to be a fit case to exercise writ jurisdiction under Article 226/227 of the Constitution of India to allow him to re-agitate the matter which attained finality in the year 1999.

The petition stands dismissed.

(PANKAJ JAIN)
JUDGE

February 06, 2023
archana

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No