

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

129

CWP-17008-2023

Date of Decision: 07.08.2023

Mohinder Singh and another

.... Petitioners

Versus

State of Punjab and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA

Present: Mr. Harjeet Singh Minhas, Advocate and
Mr. P.K. Madan, Advocate and
Ms. Amrit Kaur, Advocate for the petitioners.

Mr. Paramjit Batta, Addl. A.G., Punjab.

SANJEEV PRAKASH SHARMA, J (ORAL)

1. The petitioners by way of this petition challenge the order passed by the respondents dated 25.06.1981 and 30.11.1981, whereby, two increments were stopped with cumulative effect and the order passed in appeal dated 27.08.1996, whereby, the appeal preferred against the said two orders, was dismissed.

2. Learned counsel for the petitioners submits that so far as other punishments are concerned, the same were modified by the Appellate Authority while the said two orders have remained intact and the petitioners, therefore, seek to challenge the said orders.

3. Learned counsel for the petitioners further submits that the delay would not come in his way as it is a continuous cause of action. He relies upon a Supreme Court judgment in the case of '*M.R. Gupta Vs. Union of India*', 1995(4) RSJ SC 502. He also relies upon a Full Bench judgment of this Court in the case of '*Saroj Kumari Vs. State of Punjab*', 1998(5) SLR 266, to submit that the delay would not come in his way.

4. I have heard learned counsel for the petitioners at length and have considered the submissions.

5. This Court noticed that the order of punishment awarded to the petitioners dated 25.06.1981 and 30.11.1981 have not been placed on record and only particulars about the petitioners and their details have been mentioned in Annexure P-1 which do not show whether a regular inquiry was conducted in 1981 or not. Further, this Court finds that in the Appellate order, for the two orders of 1981, the Appellate Authority found that based on the sudden checking of the buses by the checking staff, he was awarded punishment. The appeals have been dismissed on merits in 1996. After that order of punishment and order in appeal, the petitioners did not prefer any writ petition nor raised any industrial disputes in relation to the said punishments. Further, it is not a case where there is a wrongful fixation nor can it be said to be a continuous cause of action. Since the punishments were awarded in 1981, the increments were stopped for the year 1981 and 1982 only while the petitioners have already retired and have filed the present petition almost 30 years from the passing of the appellate order, the contention of learned counsel for the petitioner that the petition does not suffer from any delay and laches, is found to be wholly erroneous.

6. Keeping in view the above, the present petition suffers from unexplained delay and laches and accordingly, the same is dismissed.

(SANJEEV PRAKASH SHARMA)
JUDGE

07.08.2023

D.Bansal

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