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

CWP-19814-2023

Date of Decision:06.09.2023

PRITAM SINGH

..... Petitioner

Versus

**SECRETARY, BHAKRA BEAS MANAGEMENT BOARD AND
ORS**

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. Sanjay Kumar, Advocate
for the petitioner.

Mr. Abhay Gupta, Advocate
for the respondents.

JAGMOHAN BANSAL, J. (Oral)

1. Mr. Abhay Gupta, Advocate has put in appearance on behalf of the respondents and filed his memorandum of appearance. The same is taken on record.

2. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of order dated 31.03.2015 (Annexure P-12) which has been passed by the respondent-Board in compliance of direction dated 23.12.2014 issued by this Court in CWP No.26522 of 2014.

3. The petitioner approached this Court through CWP No.26522 of 2014 seeking direction to respondent to decide his legal notice dated 06.12.2003 claiming retiral benefits.

4. This Court vide order dated 23.12.2014 disposed of aforesaid

writ petition with a direction to respondent to decide legal notice within two months from the date of receipt of certified copy of the order passed by this Court. The respondent-Board in compliance of order of this Court passed a speaking order dated 31.03.2015 (Annexure P-12) whereby representation of the petitioner was disposed of. The copy of the order was sent to respondent through registered post. The petitioner remained silent from 2015 to 2022 and all of sudden through advocate demanded copy of order passed by respondent. The respondent alongwith letter dated 02.09.2022 supplied copy of order dated 31.03.2015 (Annexure P-12).

5. On being asked, reason of delay in assailing order dated 31.03.2015 (Annexure P-12), learned counsel for the petitioner submits that copy of impugned order was supplied in the first week of September' 2022, thus, writ petition assailing aforesaid order could not be filed at an earlier point of time.

6. Learned counsel for the respondents who on advance notice is present in Court submits that copy of order dated 31.03.2015 (Annexure P-12) was sent through registered post to the petitioner. The petitioner in 2006 filed COCP No.1649 of 2006 before this Court. The petitioner served notice upon the respondents on 06.12.2003. The petitioner filed CWP No.26522 of 2014 before this Court seeking adjudication of his legal notice. All these facts and events indicate that petitioner is conversant with nitty gritty of litigation. The petitioner has actually received the impugned order in 2015, however, just to avoid question of delay and laches in 2022 asked the respondent to supply copy of the impugned order.

7. I have heard the arguments of both sides and with the able assistance of learned counsel have perused the record.

8. From the perusal of record, it comes out that petitioner in 2006 filed contempt petition which was disposed of vide order dated 10.12.2007. The petitioner preferred CWP No.26522 of 2014 which came to be disposed of vide order 23.12.2014. The respondent- Board was directed to decide legal notice within 2 months from the date of receipt of a certified copy of the order. The respondent-Board has sent copy of impugned order through registered post. The respondent is not denying the factum of sending of copy of order through registered post, though he is claiming that he has not received copy of the order. Section 27 of General Clauses Act, 1897 specifically provides that if copy of the order is sent through registered post it shall be assumed that copy has been served at the time at which the letter would be delivered in the ordinary course of post.

9. A Division Bench of this Court while considering Section 27 of General Clauses Act, 1897 in ***Commissioner, Central Excise Commissionerate Vs. M/s Mohan Bottling CO (P) Ltd. 2010 (56) R.C.R. (Civil) 738*** has held that if copy of order is sent through registered post it shall be assumed to be served. The petitioner who time and again has approached this Court, cannot be expected to remain silent after passing of order dated 23.12.2014 by this Court. The petitioner intentionally did not assail impugned order within time, however, at this belated stage has approached this Court. There is no explanation for delay and laches. It is settled proposition of law that writ petition cannot be entertained after reasonable period unless and until there is plausible explanation

which is missing in the present case.

10. In the wake of aforesaid facts and findings, the present petition deserves to be dismissed and accordingly dismissed.

(JAGMOHAN BANSAL)
JUDGE

06.09.2023
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Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>