

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-19964-2023

Date of decision : 03.10.2023

Kamal Singh

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHLPresent: Dr. Suresh Kumar Redhu, Advocate
for the petitioner.Ms. Rajni Gupta, Addl.A.G. Haryana
for the respondents.**VIKAS BAHL, J.(ORAL)**

1. This is a civil writ petition filed under Article 226 of the Constitution of India for issuance of a writ in the nature of certiorari to quash the letter dated 15.05.2014 (Annexure P-4) vide which adverse remarks were conveyed to the petitioner and the letter dated 21.02.2022 (Annexure P-7), vide which his representation had been rejected.

2. On 11.09.2023, this Court was pleased to pass the following order:-

“In the present case, primary challenge is to the letter dated 15.05.2014 (Annexure P-4), vide which, adverse remarks for the period w.e.f. 17.09.2013 to 31.03.2014 have been communicated to the petitioner. A perusal of the letter dated 21.02.2022 (Annexure P-7) would show that as per the Haryana Government Instructions, a representation has to be filed within 45 days from the date of receipt of the said letter against the adverse remarks and the authorities have been given the power to entertain the said representation within three months of expiry of the said period if it is satisfied that the officer/official had sufficient cause for not submitting the representation within time. It is apparent that the petitioner

has given a representation after a period of more than six years and has filed the present writ petition after a delay of more than nine years from the date of the communication of the adverse remarks to the petitioner vide letter dated 15.05.2014. There is a delay of more than 1 year and 5 months even after letter dated 21.02.2022 (Annexure P-7) having been issued to the petitioner.

Learned counsel for the petitioner prays for an adjournment to assist this Court as to whether after such a substantial delay, a writ petition can be entertained or not?

Adjourned to 18.09.2023.

11.09.2023”

3. Learned counsel for the petitioner seeks to withdraw the present petition with liberty to file a fresh petition after giving full and better particulars.

4. In view of the statement made by learned counsel for the petitioner, the present petition is dismissed as withdrawn with the aforesaid liberty.

5. It is made clear that in case any second petition is filed, the aspect of delay and maintainability would be kept open.

**(VIKAS BAHL)
JUDGE**

October 03, 2023.

Davinder Kumar

Whether speaking / reasoned
Whether reportable

Yes/No
Yes/No