

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

LPA-1868-2019 (O&M)
Date of decision:01.03.2023

B K BHASKAR

... Appellant

Versus

PUNJAB NATIONAL BANK & OTHERS

... Respondents

**CORAM: HON'BLE MR. JUSTICE M.S. RAMACHANDRA RAO,
HON'BLE MRS. JUSTICE SUKHVINDER KAUR.**

Present: Mr. Arav Gupta, Advocate
for the appellant.

Mr. Saurav Verma, Advocate with
Mr. Akash Soni, Advocate for the respondents.

M.S. RAMACHANDRA RAO, J. (ORAL)

Mr. Arav Gupta, Advocate has filed his power of attorney on behalf of the appellant today in the Court which is taken on record. Registry is directed to tag the same at appropriate place.

This Letter Patent Appeal is preferred against the judgment dated 17.09.2019 in CWP No.26196 of 2019 passed by the Learned Single Judge.

A reading of the said order indicates that the learned Single Judge had rejected the Writ Petition on merits on the ground that he had perused the contents of the Writ Petition along with the relevant records and was of the view that there was no scope of interference in exercise of the jurisdiction vested under Article 226 of the Constitution of India.

No reasons are assigned for taking such a view in the impugned order.

The learned Single Judge also was of the view that reasons for the delay in challenging the impugned order are not mentioned in the writ petition.

It was open to the learned single Judge to ask the petitioner to explain the delay by a separate affidavit and also cite case law on the point whether or not delay or laches can be a ground to dismiss a Writ Petition in the case of challenge to dismissal from service by a petitioner but he has not chosen to do so.

Having regard to the same, the impugned judgment is set aside and the matter is remitted to the learned Single Judge.

The appellant-Writ Petitioner is given liberty to file an affidavit explaining the delay, if any, and also to justify that in the facts and circumstances of the case or in view of the legal precedents delay or laches cannot be invoked to dismiss the writ petition.

The respondents are also given opportunity to file a written statement in the Writ Petition taking appropriate pleadings.

Thereafter the matter be decided considering all the pleas taken by the parties and giving reasons.

Therefore the appeal is allowed to the above extent and the matter is remitted to the learned Single Judge as above.

All pending CMs, if any, shall stand disposed of.

(M.S. RAMACHANDRA RAO)
JUDGE

(SUKHVINDER KAUR)
JUDGE

01.03.2023
Sonia

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

