

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

CWP No. 3490 of 2020

Date of decision : March 15, 2023

Ex. Constable Harwinder Singh

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present:- Ms. Manmohan Kaur Dhaliwal, Advocate
for the petitioner.

Mr. Sehajbir S. Aulaukh, AAG., Punjab.

Pankaj Jain, J (oral).

The petitioner by way of present writ petition seeks writ in the nature of certiorari impugning the order dated 28.06.2013 (Annexure P-6) whereby he has been ordered to be dismissed from services and subsequent order dated 16.01.2014 (Annexure P-7) passed by the appellate authority. The petitioner who was working as a Special Police officer with the respondent-department was proceeded against for the charge of unlawful habitual absence. The proceedings culminated in the order of dismissal dated 28.06.2013 (Annexure P-6) the petitioner preferred appeal there against as provided under the statute which was also dismissed vide order dated 16.01.2014 (Annexure P-7) . Thereafter, the petitioner kept on representing to the authorities now and then. However, all these proceedings were beyond statute and were inconsequential. Finally it was

in the year 2019 the present writ petition was filed. On 29.11.2022 following order was passed:-

“Counsel appearing on behalf of the petitioner seeks time to address arguments on the maintainability of the writ petition which has been filed after an inordinate delay of 5 years after the dismissal of the appeal.

Adjourned to 02.02.2023.”

Learned counsel for the petitioner has relied upon various orders passed by the authorities to submit that the petitioner was never dormant and was repeatedly agitating his claim and the last order having been passed on 26.11.2018, the present writ petition cannot be said to be barred by delay and laches. She further submits that on merits the extreme punishment of dismissal from service has been awarded to the petitioner for unlawful absence which does not fall within the ambit of gravest misconduct as contemplated under the rule 16.2 of the Punjab Police Rules, 1934.

I have heard learned counsel for the petitioner and have gone through the records of the case.

Learned counsel for the petitioner is not in a position to dispute the fact that as per the remedies provided under the statute the proceedings qua the petitioner attained finality on 16.1.2014 when order Annexure P-7 was passed by the appellate authority. The representation/mercy petition filed by the petitioner thereafter could bear no fruit and were inconsequential being beyond the statute.

Resultantly, this Court does not feel that repeated representations at the behest of the petitioner can have an effect of extending the period of limitation.

Without commenting on the merits of the case, the present petition is dismissed being barred by laches.

(PANKAJ JAIN)
JUDGE

March 15, 2023
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Whether speaking/reasoned Yes
Whether Reportable No