

2024:PHHC:111272-DB



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

LPA No. 1319 of 2024(O&M)
Date of Decision:29.08.2024

Jasbir Singh

.....Appellant

Versus

State of Punjab and others

..... Respondents

CORAM:- HON'BLE MRS.JUSTICE LISA GILL
HON'BLE MRS. JUSTICE SUKHVINDER KAUR

Present: Mr. Sartaj Singh Toor, Advocate
for appellant.

LISA GILL, J(Oral).

1. Prayer in this appeal is for setting aside order dated 25.02.2022, passed by learned Single Bench, whereby CWP No. 8205 of 2021, filed by appellant-writ petitioner has been dismissed while taking note of the fact that present appellant-writ petitioner has concealed material facts.
2. It was observed by learned Single Bench that earlier CWP No. 21233 of 2017 had been filed on the same cause of action i.e., seeking a direction to respondents to re-employ the appellant-writ petitioner in home-guard, Punjab statedly as recommended vide communication dated 02.06.2015. The said writ petition was dismissed on 03.02.2020 while taking note of the Policy decision taken on 22.01.1997 to the effect that discharged Special Police Officers (SPOs)

cannot be re-engaged or reinstated as it was ordered that strength of the SPOs would be reduced and no vacant post, if any, will be filled in future. It was also noted that appellant-writ-petitioner stood discharged way back in the year 1993. LPA No. 1588 of 2018 filed by present appellant-writ-petitioner challenging decision dated 31.08.2018 was dismissed as withdrawn on 12.10.2018 with liberty to the appellant-writ petitioner to seek consideration of his claim by the respondent-authority.

3. In view of the said liberty, representation dated 25.10.2018 was filed by appellant-writ-petitioner seeking re-instatement/adjustment in the Police Department/Home-guard in lieu of service rendered by him and on the ground that his work had been appreciated by his seniors. His representation was also rejected on 03.02.2020 by the Director General of Police (DGP) Punjab.

4. CWP No. 8205 of 2021 was then filed by appellant in March 2021 seeking re-employment, yet again on the basis of recommendation dated 02.06.2015, besides direction to the official respondents to decide his representation dated 20.11.2020. None of the earlier events as above were revealed in CWP No. 8205 of 2021. Writ petition was dismissed by learned Single Judge, vide impugned order dated 25.02.2022, while observing that none of the material facts as narrated above had been revealed by appellant-writ petitioner in CWP No 8205 of 2021. Cost of ₹50,000/- to be deposited in the Poor Patients Welfare Fund, PGIMER, Chandigarh, was imposed.

5. Aggrieved therefrom, present appeal has been filed.

6. Learned counsel for appellant submits that appellant should not be prejudiced for no fault on his part. Shortcoming, if any would be on the part of the counsel. Therefore, this appeal should be allowed,

impugned order dated 25.02.2022, be set aside and writ petition be allowed, as prayed for.

7. Having heard learned counsel for appellant-writ petitioner, we do not find any ground whatsoever to interfere in this case as it is a matter of record and undeniable that appellant-writ-petitioner indeed concealed material facts while filing CWP No. 8205 of 2021. No explanation, leave alone a reasonable or plausible explanation is forthcoming. Merely to say that it was the fault of counsel is of no avail to appellant.

8. Learned counsel for appellant-writ-petitioner is unable to point out any illegality, infirmity or perversity in the impugned order dated 25.02.2022, which calls for interference by this Court.

9. At this stage, it is submitted that cost imposed upon appellant vide impugned order is unjustified. In the given factual matrix, we do not find any ground to waive off the costs which has been imposed on appellant-writ-petitioner by learned Single Judge vide order dated 25.02.2022 in the abovesaid writ petition. A litigant is duty bound to approach the Court with clean hands. However, keeping in view the fervent request by learned counsel for appellant-writ-petitioner that appellant-writ-petitioner is in dire straits and makes ends meet by doing labour work, costs as imposed by learned Single Judge is reduced from ₹50,000/- to ₹25,000/-.

10. There is a delay of 785 days in filing of this appeal. It is stated that impugned order was never conveyed to applicant-appellant and he came to know about it when searching on internet. It is further stated that delay which cannot be explained 'as required under the law' has indeed occurred but same should be condoned while taking a lenient

view and considering miserable plight of appellant. In our considered opinion no ground for condonation of delay of 785 days in filing the appeal is made out.

11. No other argument has been addressed.
12. Keeping in view the facts and circumstances as above, with reduction in cost imposed as above, application for condonation of delay as well as the appeal is dismissed being devoid of any merit.

(LISA GILL)

JUDGE

(SUKHVINDER KAUR)

JUDGE

August 29, 2024.

s.khan

Whether speaking/reasoned : Yes/No.

Whether reportable : Yes/No.