



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

**CM-2895-LPA-2023 in/and  
LPA-1129-2023  
Date of Decision: July 29, 2024**

**HARWINDER SINGH** ..... Appellant

## Versus

STATE OF PUNJAB AND OTHERS ..... Respondents

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

Present: Mr. Abhiraj Singh Baweja, Advocate  
for the appellant (through VC).

Mr. R.S. Pandher, Sr. DAG, Punjab.

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LISA GILL, J.

1. Prayer in this appeal is for setting aside order dated 15.03.2023 passed by learned Single Judge whereby CWP-3490-2020 filed by present appellant (writ petitioner) was dismissed. Appellant had filed the abovesaid writ petition for setting aside order dated 28.06.2013 directing termination of his services as well as subsequent order dated 16.01.2014, whereby his appeal was dismissed by Appellate authority. He also sought setting aside of orders dated 22.07.2014, 11.09.2015 and 26.11.2018 whereby his subsequent representations

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with nomenclature of Appeal/Revision were rejected. Learned Single Judge vide impugned order dated 15.03.2023 concluded that writ petition was barred by delay and laches as repeated representations at the instance of appellant cannot lead to accrual of fresh cause of action. Aggrieved therefrom, present appeal has been filed.

2. Learned counsel for appellant vehemently argues that it is not as if the appellant was sitting quietly after passing of order dated 16.01.2014 by the Appellate authority. He was submitting further Appeal/Representations/Mercy petitions and authorities in question were deciding the matter on merits as is evident from order dated 26.11.2018 as well. Appellant, who is infact a layman should not be penalized for the same. His writ petition should have been heard and decided on merits. It is further argued that punishment of dismissal from service for absence of 23 days is not commensurate with gravity of charge against him.

3. Though notice of motion has not been issued in this case, learned counsel for the State, who is on advance notice, opposes the same while submitting that order passed by learned Single Judge is in order having been passed after considering the facts and circumstances of the matter. Learned counsel for State submits that appellant habitually used to remain absent. Details of his absence are detailed in impugned order dated 28.06.2013 (Annexure P6). It is specifically recorded that in the short span of three years of his service, his period of absence was 166 days. On earlier occasion, said period had been treated to be period on duty without pay and seven annual increments withheld with cumulative effect. Subsequent to the absence in question, appellant had again absented himself for a period of 32 days. On earlier occasion, due to

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absence for a period of 28 days, he was dismissed from service from 29.03.2011 but later reinstated by Appellate authority vide order dated 28.11.2011. One annual increment was withheld with cumulative effect and period of absence of 28 days was declared as period without pay. Furthermore, appellant did not take necessary steps after passing of order dated 28.11.2011 by appellate authority. It is, thus, prayed that this appeal be dismissed.

4. We have heard learned counsel for parties and have gone through the file with their able assistance.

5. However, we do not find any ground whatsoever to interfere in this matter for setting aside impugned order dated 15.03.2023. Appellant was admittedly dismissed from service vide detailed impugned order dated 28.06.2013. His appeal was dismissed on 16.01.2014 by appellate authority. Learned Single Judge has correctly held that submission of repeated representations/Mercy petitions by the employee do not lead to extension of period of cause of action. Gainful reference in this regard can be made to the judgments of Hon'ble the Supreme Court in **Surjeet Singh Sahni versus State of U.P. 2022 (3) RCR (Civil) 304, State of Orissa and another vs. Laxmi Narayan Das (Dead) through LR's and others, 2023 Livelaw (SC) 527 and Bichitrananda Behera vs. State of Orissa and others 2023 AIR (SC) 5064.**

6. At this stage, we take note of the fact that there is delay of 83 days in filing of this appeal. As the matter has been dealt with on merits, adjudication upon this application is rendered academic. Ordered accordingly.

7. No other argument has been addressed.

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8.            Keeping in view the facts and circumstances as above, this appeal is  
  
dismissed with no order as to costs.

**(LISA GILL)  
JUDGE**

**July 29, 2024**  
Rts

**(SUKHVINDER KAUR)  
JUDGE**

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