



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

(Sr. No. 103)

LPA No. 2534 of 2024 (O&M)

Date of decision: 25.10.2024

Mohan Lal

..... Appellant

Versus

Union of India and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present : Mr. Naman Jain, Advocate and
Mr. Mohit Soni, Advocate for the applicant-appellant.

* * *

DEEPAK SIBAL, J. (Oral)

(1) The present intra court appeal is directed against the judgment dated 28.08.2024 passed by a learned Single Judge of this Court dismissing the appellant's petition.

(2) Through order dated 03.10.2001 passed by the Commandant - 96 Battalion, of the Border Security Force, for the acts of omission and commission on the appellant's part, he was dismissed from service. He challenged the dismissal order through filing of a civil suit which was dismissed by the Civil Court. An appeal filed by the appellant to challenge the order of the Civil Court was also dismissed and so was the regular second appeal filed by him before this Court being *RSA No.1899 of 2012 – Mohan Lal Vs. Union of India and others*. Even the Special Leave Petition



filed by the appellant to challenge therein the dismissal of aforesaid regular second appeal met the same fate as the earlier proceedings initiated by him as such SLP was also dismissed by the Supreme Court on 22.04.2019.

(3) After about 05 years of the dismissal of his SLP the appellant knocked the doors of this Court seeking payment of pension as according to him there was no mention in his dismissal order dated 03.10.2001 that such dismissal would result in withholding of pension.

(4) In the light of the above undisputed facts, we find that the learned Single Judge rightly dismissed the appellant's writ petition on the ground that the issue sought to be raised by him through his petition could and should have been raised by him in the civil proceedings initiated by him earlier which issue had also decided against him right upto the Supreme Court. The learned Single Judge also rightly declined the relief to the appellant on the ground that the issue now sought to be raised by the appellant was after 23 years of the passing of the order dated 03.10.2001 and therefore, was liable to be rejected on the ground of delay and laches.

(5) Dismissed.

(6) All pending miscellaneous application(s), if any, also stand disposed of.

(DEEPAK SIBAL)
JUDGE

25.10.2024
sunil yadav

(DEEPAK MANCHANDA)
JUDGE

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