



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

115

CWP-25189-2024

Date of Decision: 14.01.2025

Surender Kumar

.....Petitioner(s)

Versus

State of Haryana and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Shalender Mohan, Advocate,
for the petitioner.

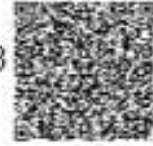
Ms. Rajni Gupta, Addl. A.G., Haryana.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Articles 226 and 227 of Constitution of India is seeking setting aside of order dated 04.09.2024 (Annexure P-8) whereby Appellate Authority has dismissed his appeal on the ground of limitation.

2. The petitioner is part of Haryana Police and he, during the period in question, was holding rank of Constable. On account of allegation of misconduct, he vide order dated 08.04.2022 passed by Superintendent of Police, Hisar (Annexure P-6) came to be punished with penalty of stoppage of one future annual increment with temporary effect. The said order was communicated to him and he at the first instance opted not to file appeal. After two years he realized that order of punishment would affect his promotion and

Annual Career Progression (ACP). On the said belief, he decided to prefer



appeal before Appellate Authority.

3. The appeal was filed on 15.08.2024 i.e. after the expiry of two years from the date of punishment order. Rule 16.30(2) of The Punjab Police Rules, 1934 (as made applicable to State of Haryana) provides that appeal before Appellate Authority shall be filed within 30 days from the date of receipt of copy of order. The Appellate Authority is empowered to condone delay.

4. Mr. Shalender Mohan, learned counsel for the petitioner submits that Appellate Authority has dismissed petitioner's appeal on technical ground. The Appellate Authority has not considered application seeking condonation of delay in true spirit. There was sufficient reason for delay. Thus, Appellate Authority was duty bound to consider reason for delay and condone the same.

5. Notice of motion.

6. Ms. Rajni Gupta, Addl. A.G., Haryana, who on advance notice is present in Court, accepts notice on behalf of the respondents and waives service.

7. With consent of learned counsel for the parties, the case is taken up for final disposal.

8. Ms. Rajni Gupta, Addl. A.G., Haryana submits that there was inordinate delay on the part of petitioner. From the reading of application seeking condonation of delay, it is evident that reason itself was not sufficient. Thus, there is no infirmity in the impugned order.

9. From the perusal of appeal/application dated 15.08.2024 filed by petitioner, it is evident that appellant himself pleaded that he was not aware of the Rules and Instructions regarding adverse effects of the punishment. He has realized that impugned order is going to adversely affect his promotion and



10. The Appellate Authority noticed that there was delay of more than 2 years. Thus, appeal is hopelessly time barred. It is a settled principle of law that Appellate Authority should take lenient view while adjudicating application seeking condonation of delay. The authorities should not adopt pedantic approach whereas holistic approach should be adopted. The delay can be condoned if there is sufficient reason. The length of delay does not matter. The petitioner has not advanced sufficient reason for the delay and period of delay is more than 2 years. The reason advanced by petitioner was merely a lame excuse. This Court does not find any infirmity in impugned order dated 04.09.2024.

11. Dismissed.

14.01.2025
shivani

(JAGMOHAN BANSAL)
JUDGE

Whether reasoned/speaking	Yes
Whether reportable	No