

2025:PHHC:033362



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

111

**CWP-31152-2024 (O&M).
Date of Decision: 10.03.2025.**

JASWANT SINGH

... Petitioner

Versus

LIFE INSURANCE CORPORATION OF INDIA AND OTHERS

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

Present: Mr. Krishan Singh, Advocate,
for the petitioner.
Mr. Saurav Verma, Advocate, with
Ms. Preeti Grover, Advocate,
For the respondents.

VINOD S. BHARDWAJ, J (ORAL).

The instant writ petition has been filed for seeking quashing of the action of the respondents whereby increments of the petitioner have not been restored/revived w.e.f. the year 2004 till his superannuation on 30.04.2024 and his pay and pension has not been re-fixed after restoring/reviving his increments.

2025:PHHC:033362



2 Learned counsel appearing for the petitioner submits that the petitioner was appointed as a Peon with the respondent-Corporation on 14.08.1989 and later on, he was promoted to the post of Record Clerk on 01.12.1992. He submits that the petitioner was suffering from T.B. (Tuberculosis) and his treatment was going on in Government T.B. Hospital for which he used to avail medical leave. The entire medical record was also submitted by the petitioner with the respondent-Corporation but notwithstanding the same, a charge sheet was served upon him for remaining absent without permission and intimation. Eventually, after completion of departmental proceedings, the penalty of removal from Service was imposed upon the petitioner vide order dated 30.10.2004. Against the penalty order, the petitioner filed an appeal before the Zonal Manager, Northern Zone, New Delhi which was partly allowed and the penalty of removal from service was modified to reduction in basic pay to the minimum of scale applicable to his cadre in terms of Regulation 39 1 (d) of LIC India Staff Regulations, 1960, vide order dated 23.12.2005. The petitioner was thereafter reinstated in service in the year 2005 and was placed on minimum of scale applicable to his cadre.

3 Learned counsel for the petitioner further contends that the petitioner had submitted an Appeal/Representation before the Zonal Manager, LIC of India, Northern Zone, Delhi as well as before the Chairman, LIC of India, Central Office, Mumbai for revival of his increments but no decision was taken thereupon. Eventually, a representation was sent by him

2025:PHHC:033362



to the respondent authorities on 07.09.2020 but the same remained pending unresponded. A representation was also submitted by him to the National Commission of Scheduled Caste, Government of India, New Delhi, regarding harassment by the authorities. The National Commission of Scheduled Caste disposed of the representation submitted by the petitioner with a direction to the authorities to re-examine the case of the petitioner and to consider if any further relief could be given to him on sympathetic grounds. Subsequently, a legal notice dated 21.10.2024 was sent by the petitioner to the respondent authorities. As no legal action was taken, hence, the instant writ petition has been filed.

4 Vide order dated 03.12.2024, this Court had directed the counsel for the respondent-Corporation to get instructions as regards the status of the application forwarded by the petitioner on 25.09.2020 through the Branch Manager to the Chairman of the respondent-Corporation.

5 On a resumed hearing, counsel for the respondent-Corporation has informed that the disciplinary proceedings had been initiated by the respondent-Corporation and that the penalty of removal from service was imposed vide order dated 30.10.2004 cadre in terms of Regulation 39 1 (d) of LIC India Staff Regulations, 1960, vide order dated 23.12.2005 such penalty was modified by the appellate Authority to the reduction in basic pay to the minimum of scale applicable to his cadre.

6 It is further contended by the counsel for the respondent-Corporation that no representation against the said order had been submitted

2025:PHHC:033362



by the petitioner at any point of time for a period of nearly 15 years. Even though in the meanwhile, he was also promoted to the post of Assistant on 30.06.2012 and thereafter as High Grade Assistant on 10.05.2023 and he already stands superannuated before he approached this Court. He contends that the said order imposing penalty has attained finality and that after a period of 15 years, there is no occasion for sympathetic consideration of the case or for restoration of the increments already stopped as a measure of penalty. It is submitted that the order of penalty was not challenged for a period of nearly 20 years since passing of the same. The plea of revival/restoration of the increments of the petitioner would amount to setting aside the punishment already imposed upon him which cannot be done after such a long delay.

7 I have heard the learned counsel for the respective parties and have gone through the documents appended with the present petition.

8 It remains undisputed that the punishment of removal from service was imposed by the competent authority in the year 2004 which such punishment was modified to reduction in basic pay to the minimum of scale applicable to his cadre vide order dated 23.12.2005. The petitioner never challenged the said order within a reasonable period of time and hence, the order attained finality. Any subsequent submission of the representation seeking restoration/revival of the increments cannot be considered unless the appellate order had been modified by the competent authority in an appropriate proceedings. So much so, even in the present petition, the order

2025:PHHC:033362



of punishment is not under challenge and the prayer is solely for revival of the increments that were stopped in the year 2004.

9 Besides, I find that the instant petition is highly belated. The instant petition has been filed in the year 2024 after a period of nearly 19 years after the decision in appeal. I find that there are no justifiable grounds made out for issuing directions to the respondent authorities to consider the claim of the petitioner for restoration/revival of the increments, which such stoppage of increments is consequent upon the orders passed by the competent authorities in the disciplinary proceedings, that have attained finality. The instant petition is accordingly dismissed on grounds of delay and laches and for want of challenge to the order imposing punishment.

March 10, 2025.
raj arora

(VINOD S. BHARDWAJ)
JUDGE

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