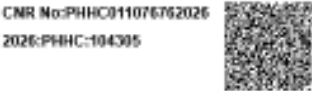


CWP-20234 of 2026



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-20234 of 2026

Ravinder Kumar
....Petitioner
versus
State of Punjab and others
....Respondents

Sr. No.	Particulars	Details
1.	The date when the judgment is reserved	08.07.2026
2.	The date when the judgment is pronounced	29.07.2026
3.	The date when the judgment is uploaded on the website	29.07.2026
4.	Whether only operative part of the judgment is pronounced or full judgment is pronounced	Full
5.	The delay, if any, of the pronouncement of full judgment, and reasons thereof	Not applicable

CORAM : HON'BLE MR. JUSTICE NAMIT KUMAR

Argued by: Mr. H.C. Arora, Advocate,
for the petitioner

Mr. Rohit Ahuja, DAG, Punjab.

NAMIT KUMAR, J.

1. The petitioner has invoked the writ jurisdiction of this Court under Article 226 of the Constitution of India, seeking issuance of a writ of certiorari for quashing the order dated 01.02.2022 (Annexure P-2), passed by respondent No.2, imposing the punishment of dismissal from service upon the petitioner on the ground of his conviction under Sections 306 and 506 IPC; for quashing the order dated 11.06.2026 (Annexure P-11), passed by respondent No.3-Appellate Authority, whereby an appeal preferred by the petitioner against the order of

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dismissal from service has been rejected and further issuance of a writ of mandamus directing the respondents to reinstate the petitioner in service, with effect from the date of his dismissal from service vide order dated 01.02.2022 (Annexure P-2), with all consequential benefits, including arrears of salary and allowances for the intervening period.

2. The brief facts, as have been pleaded in the petition, are that the petitioner was employed as Section Officer in Nagar Panchayat Mahilpur, District Hoshiarpur. On account of suicide by one Pran Nath, contractor, FIR No.135 dated 31.12.2016 under Sections 306/506 IPC was registered against the petitioner at Police Station Mahilpur, District Hoshiarpur, on the statement of son of Pran Nath, alleging therein that the petitioner was demanding bribe for clearing the bills of the work done by his father and was further extending threats to his father to get him entangled in false criminal cases. Consequently, petitioner was convicted by the Court of learned Sessions Judge, Hoshiarpur, vide judgment dated 08.11.2021 and was sentenced to undergo rigorous imprisonment for a period of five years with fine of Rs.25,000/-, vide order dated 10.11.2021. Following the conviction of the petitioner, respondent No.2, vide impugned order dated 01.02.2022 (Annexure P-2), dismissed him from service. Thereafter, the petitioner preferred an appeal against the order of his dismissal on 16.06.2025 (Annexure P-6), which was rejected by respondent No.3 – Appellate Authority, vide order dated 25.07.2025 (Annexure P-8) on account of delay of 1215 days in filing the appeal. Aggrieved thereby, petitioner approached this

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Court by filing CWP-30394 of 2025 – Ravinder Kumar v. State of Punjab and others, seeking quashing of order dated 25.07.2025, passed by respondent No.3, rejecting the appeal of the petitioner. This Court, vide order dated 08.12.2025 (Annexure P-10), allowed the petition and directed the Appellate Authority to reconsider the application for condonation of delay on the basis of the grounds mentioned therein as well as the merits of the appeal and to pass a fresh order after affording an adequate opportunity of hearing to the parties, within a period of three months from the date of receipt of certified copy of the order. Pursuant to the abovesaid orders of this Court, the Appellate Authority reconsidered the appeal of the petitioner and the same was rejected, vide order dated 11.06.2026 (Annexure P-11) impugned herein. Hence, the present petition.

3. Learned counsel for the petitioner contended that the petitioner has been dismissed from service merely on the basis of his conviction under Sections 506/306 IPC and the offences under Sections 506/306 IPC do not involve moral turpitude, therefore, the order dated 01.02.2022, dismissing the petitioner from service is totally illegal, as an employee convicted for an offence under Section 506 IPC is not liable to be removed from service merely on account of the conduct leading to such conviction. He further submitted that the appeal preferred by the petitioner against the order of dismissal from service has wrongly been rejected by the Appellant Authority on the ground of delay, as the petitioner was convicted and sentenced in the aforesaid

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FIR, vide judgment dated 08.11.2021, and against the said judgment of conviction/sentence, he had preferred an appeal before this Court. His sentence was suspended vide order dated 30.05.2022. He further submitted that the petitioner thereafter remained engaged in pursuing his appeal and was making efforts to obtain a stay of his conviction before this Court. Consequently, he was unable to file the departmental appeal against the dismissal order within the prescribed period. It is, thus, contended that the delay in filing the appeal against the dismissal order by the petitioner was on account of sufficient reasons and beyond his control. In support of his contentions, learned counsel for the petitioner has placed reliance upon the judgment of the Hon'ble Supreme Court in ***Collector, Land Acquisition, Anantnag and another v. Mst. Katiji and others, 1987(2) SCC 107.***

4. On the other hand, learned State counsel has opposed the contentions raised by learned counsel for the petitioner and submitted that there was an unexplained inordinate delay of 1215 days' in filing the departmental appeal by the petitioner against the order of his dismissal from service, therefore, his appeal has rightly been rejected by the appellate authority and the present writ petition is also liable to be dismissed on account of delay and laches.

5. I have heard learned counsel for the parties and perused the record.

6. Admittedly, the petitioner was awarded the punishment of dismissal from service vide order dated 01.02.2022. He preferred

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departmental appeal against the said order on 16.06.2025, which was rejected by the appellate authority, vide order dated 25.07.2025, on the ground of delay. Thereafter, petitioner approached this Court by way of filing CWP-30394 of 2025, for quashing the order dated 25.07.2025 and the said writ petition was allowed by this Court, vide order dated 08.12.2025, whereby order dated 25.07.2025, passed by the Appellate Authority, was set aside with a direction to reconsider the application for condonation of delay on the basis of the grounds mentioned therein as well as the merits of the appeal and to pass a fresh order after affording an adequate opportunity of hearing to the parties within stipulated period of three months. Pursuant to the abovesaid order of this Court, the Appellate Authority, vide order dated 11.06.2026 (Annexure P-11), has rejected the departmental appeal of the petitioner. The relevant paras, whereby the appeal of the petitioner has been reconsidered though rejected by the Appellate Authority on merits, are as under:-

xxx xxx xxx xxx

6. *The facts of the case of the appellant which lead to his conviction have been examined by the undersigned. The L'd Session Judge, Hoshiarpur in his judgment has categorically examined the facts and circumstances of the case of the Appellant. The Appellant has been convicted on the ground of treat and suicide by Sh. Pran Nath, who was working as contractor for last 22/23 years in Nagar Panchayat Mahilpur under the name of Labour and Construction Society Mahilpur. The bills for the work done by them during the last 2/3 years were not cleared whereas the payments of*



other Contractors were made. For that purpose, they time and again requested the Ravinder Kumar, Nagar Panchayat Mahilpur to clear the payment which was about '20 lakh, for which Officer Ravinder Kumar was demanding bribe. They also requested Ravinder Kumar in this regard and moved a complaint bearing no.1488/M/CEA dated 4.10.2016 before the Deputy Commissioner, Hoshiarpur. During inquiry of the said complaint, Ravinder Kumar got registered a case bearing FIR No.134 dated 18.11.2016 under Sections 323, 324, 427, 34 IPC against the complainant and his brother Munit Khanna due to which his father Pran Nath Khanna moved application bearing no. 5570-SSP dated 18.11.2016 before the SSP, Hoshiarpur which was pending investigation before the SP(D). Thereafter, Ravinder Kumar also moved another application before the DGP against the complainant, his father Pran Nath and brother Munit Khanna due to which his father got mentally disturbed. On 30.12.2016, his father after taking meal went to his room for sleeping. In the next morning on 31.12.2016 at about 8.00 AM, when they knocked at the door of the room of his father for serving tea, his father did not open the door. He called his brother Munit Khanna who broke open the door and found that his father had committed suicide with string by hanging with the door. **Their father had committed suicide because Ravinder Kumar was not clearing their payments for the work done by them** and because of false FIRs registered against them by Ravinder Kumar. Now, Sh. Ravinder Kumar has been convicted on these charges and punishment of 5/2 years have been awarded u/s 306 and 506 of IPC respectively.

7. The perusal of the orders of the Session Judge, Hoshiarpur clears that the allegations made against Sh. Ravinder



Kumar have been proved and he has been convicted by the L'd Court, Accordingly. The allegation in the present case are in regard to demand of bribe for clearing of bills of payment to the contractor, which relates to misconduct in his official duty also and the punishment has confirmed the conduct of Sh. Ravinder Kumar. Judgements of Hon'ble High Court in CWP no. 24683 of 2019 (Suresh Kumar vs State of Punjab decided on 23.09.2024, the offence u/s 506 of IPC and judgement of CWP no. 2209 of 2016 (Om Parkash Vs State of Haryana) office u/s 304-A of IPC have their own facts and circumstances, whereas, in factual position of this case, there are specific allegation of demand of bribe and conviction has also been awarded on the charges. So, these judgment cannot be applied in present case.

8. *The Article 311(2) of the Constitution of India read with Rule 13 of the Punjab Civil Service (Punishment and Appeal) Rules, 1970 along with rule 12 of the Punjab Municipal Services (Recruitment and Conditions of Service) Rules, 1975 (Amended upto 2022) empower the competent authority to dismiss an employee convicted by a competent authority without following any inquiry/investigation. **In present case, punishment of five years has been awarded to Sh. Ravinder Kumar on charges of demanding bribe for clearing of bills, which lead to creation of a situation, that a person has committed suicide. So, there is sufficient ground and reasoning for awarding of punishment of Dismissal from service. The orders of Director are correct and valid as per facts of the case itself.***
9. *So far as the ground of limitation is concerned, the appellant himself has stated that he got bail on 30.05.2022 and he spent time in trying to get stay on conviction and*



entertainment of the appeal by the Hon'ble Punjab and Haryana High Court. But, after his bail on 30.05.2022, appellant was having ample time to approach the appellant authority by filing appeal, but Sh. Ravinder Kumar first time preferred appeal on 16.06.2025 after lapse of three years of his release from the jail. The appellant has not explained any reason for his failure to file appeal during 30.05.2022 to 16.06.2025, nor, he has mentioned any ground in his appeal. It is settled law that the appellant must explain the sufficient reasons for his failure to file the appeal before the appellant authority and each day delay is required to be explained. But in present case, the appellant is silent about this period of three years. So, the case of the petitioner can also not be considered on the basis of delay and laches. A three-Judge Bench of Hon'ble Supreme Court in Govt. of W.B v. Tarun K. Roy (2004) 1 SCC 347, wherein it has been opined:

“34. The respondents furthermore are not even entitled to any relief on the ground of gross delay and laches on their part in filing the writ petition. The first two writ petitions were filed in the year 1976 wherein the respondents herein approached the High Court in 1992. In between 1976 and 1992 not only two writ petitions had been decided, but one way or the other, even the matter had been considered by this Court in Debdas Kumar 1991 Supp (1) SCC 138, (1991) 17 ATC 261. The plea of delay, which Mr Krishnamani states, should be a ground for denying the relief to the other persons similarly situated would operate against the respondents. Furthermore, the other employees not being before this Court although they are ventilating their grievances before appropriate courts of law, no order should be passed which would prejudice their



cause. In such a situation, we are not prepared to make any observation only for the purpose of grant of some relief to the respondents to which they are not legally entitled to so as to deprive others therefrom who may be found to be entitled thereto by a Court of law.”

10. Further, the the judgment rendered by this Court in CR No.2886 of 2014 titled as ‘Babu Ram Vs. Rajesh’ decided on 04.05.2017 and the judgment rendered by the Division Bench of this Court in CWP No.6938 of 1993 titled as ‘M/s Sthaneshwar Handmade Papers PCIS Ltd. Vs. State of Haryana’ decided on 27.01.1994, do not come to rescue the appellant on the delay caused in present case, as the Courts in these cases have considered the good/sufficient cause. But petitioner has not given any cause for delay of 3 years from his bail, so, no benefit of these judgements can be given to the appellant.

*In light of aforementioned discussion, **it is explicit that the punishment has been awarded to the appellant on the ground of suicide committed by a contractor, with the allegation of demand of bribe for clearance of bills. The allegations lead to conviction for 5/2 years Rigorous Imprisonment** and there is an application of stay on conviction by the appellant, but the same has not been decided yet and is fixed for 02.09.2026. But, the order no. SA6-DLG-Estt-2022/23 dated 01.02.2022 passed by the Director, Local Government being competent authority of Junior Engineer(Civil) are well supported by the provisions of the law and valid and uphold, accordingly to above discussions. ”*

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7. The directions issued in the abovesaid order dated 08.12.2025, passed in CWP-30394 of 2025, are crystal clear to the

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effect that this Court, while allowing the abovesaid writ petition, has directed the Appellate Authority in two-fold manner, which is as under:-

- (a) to reconsider the application for condonation of delay on the basis of the grounds mentioned therein; and
- (b) to reconsider the merits of the appeal as well and to pass a fresh order after affording an adequate opportunity of hearing to the parties within stipulated period of three months.

8. The facts are not in dispute that the first order dated 25.07.2025 (Annexure P-8), passed by the Appellate Authority, whereby the appeal of the petitioner was rejected only in the ambit of period of limitation, was a non-speaking order and only, therefore, the same was set aside by this Court, vide order dated 08.12.2025, passed in CWP-30394 of 2025. However, a perusal of the impugned order dated 11.06.2026 (Annexure P-11) shows that the same has been passed by the Appellate Authority after considering each and every fact as well as the circumstance concerning the merit of the appeal preferred by the petitioner, whereby due weightage and consideration has been given to the conviction order dated 08.11.2021; order of dismissal dated 01.02.2022; first order of Appellate Authority dated 25.07.2025; the issue of delay and limitation involved and besides this other material facts and circumstances as like demand of bribe by the petitioner for clearing bills of the victim; complaint moved by the victim against the petitioner and in counter registration of FIR by the petitioner against the victim-complainant and his brother and unfortunate suicide of victim – Prem Nath; have meticulously been examined by the Appellate

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Authority, while passing second order dated 11.06.2026 (Annexure P-11) and, therefore, finding sufficient ground and reasoning for awarding punishment of dismissal of service upon the petitioner, the order of dismissal dated 01.02.2022 (Annexure P-2) has been held to be correct and valid.

9. So far as the issue of condonation of delay on the basis of the grounds mentioned in the appeal before the Appellate Authority is concerned, the issue of delay and laches is a settled proposition of law and the ratio of the judgements, as discussed here-in-below, shall also be equally applicable to the statutory appeals adjudicated by the Appellate Authorities.

10. Hon'ble Supreme Court in ***Yunus (Baboobhai) A Hamid Padvekar Vs. State of Maharashtra Through its Secretary and others : 2009 (2) SCT 24***, while referring to the issue of delay and laches, had held as follows:-

*“8. Delay or laches is one of the factors which is to be borne in mind by the High Courts when they exercise their discretionary powers under Article 226 of the Constitution of India, 1950 (in short the ‘Constitution’). In an appropriate case the High Court may refuse to invoke its extraordinary powers if there is such negligence or omission on the part of the applicant to assert his right as taken in conjunction with the lapse of time and other circumstances, causes prejudice to the opposite party. Even where fundamental right is involved the matter is still within the discretion of the Court as pointed out in **Durga Prasad v. Chief Controller of Imports and Exports (AIR 1970 Supreme Court 769)**. Of course, the discretion has to be exercised judicially and reasonably.*

*9. What was stated in this regard by Sir Barnes Peacock in **Lindsay Petroleum Company v. Prosper Armstrong***



Hurde etc., (1874) 5 PC 221 at page 239 was approved by this Court in ***Moon Mills Ltd. v. Industrial Courts, (AIR 1967 SC 1450)*** and ***Maharashtra State Transport Corporation v. Balwant Regular Motor Service (AIR 1969 Supreme Court 329)***, Sir Barnes had stated:

"Now the doctrine of laches in Courts of Equity is not an arbitrary or technical doctrine. Where it would be practically unjust to give a remedy either because the party has, by his conduct done that which might fairly be regarded as equivalent to a waiver of it, or where by his conduct and neglect he has though perhaps not waiving that remedy, yet put the other party in a situation in which it would not be reasonable to place him if the remedy were afterwards to be asserted, in either of these cases, lapse of time and delay are most material. But in every case, if an argument against relief, which otherwise would be just, if founded upon mere delay, that delay of course not amounting to a bar by any statute of limitation, the validity of that defence must be tried upon principles substantially equitable. Two circumstances always important in such cases are, the length of the delay and the nature of the acts done during the interval which might affect either party and cause a balance of justice or injustice in taking the one course or the other, so far as relates to the remedy."

10. It would be appropriate to note certain decisions of this Court in which this aspect has been dealt with in relation with Article 32 of the Constitution. It is apparent that what has been stated as regards that Article would apply, a fortiori, to Article 226. It was observed in ***R.N Bose v. Union of India (AIR 1970 Supreme Court 470)*** that no relief can be given to the petitioner who without any reasonable explanation approaches this Court under Article 32 after inordinate delay. It was stated that though Article 32 is itself a guaranteed right, it does not follow from this that it was the intention of the Constitution makers that this Court should disregard all principles and grant relief in petitions filed after inordinate delay.

11. It was stated in ***State of M.P. v. Nandlal (AIR 1987 Supreme Court 251)*** that the High Court in exercise of its discretion does not ordinarily assist the tardy and the indolent or the acquiescent and the lethargic. If there is



inordinate delay on the part of the petitioner and such delay is not satisfactorily explained, the High Court may decline to intervene and grant relief in exercise of its writ jurisdiction. It was stated that this rule is premised on a number of factors. The High Court does not ordinarily permit a belated resort to the extraordinary remedy because it is likely to cause confusion and public inconvenience and bring in its trail new injustices, and if writ jurisdiction is exercised after unreasonable delay, it may have the effect of inflicting not only hardship and inconvenience but also injustice on third parties. It was pointed out that when writ jurisdiction is invoked, unexplained delay coupled with the creation of third party rights in the meantime is an important factor which also weighs with the High Court in deciding whether or not to exercise such jurisdiction.

12. In view of the aforesaid position we are not inclined to interfere in this appeal which is dismissed accordingly.”

11. A two Judge Bench of Supreme Court recently in **‘Mrinmoy Maity Vs. Chhanda Koley and others’ 2024 SCC OnLine SC 551** has held that High Court ought to dismiss petition on the ground of delay and laches where there is no explanation of delay. An applicant who approaches the Court belatedly or in the other words sleeps over his rights for a considerable period ought not to be granted the extraordinary relief by writ Courts. Delay defeats equity. High Court may refuse to invoke its writ jurisdiction if laxity on the part of applicant has allowed the cause of action to drift away and attempts are made to rekindle the lapsed cause of action. Multiple communications cannot create cause of action. The relevant extracts of the judgment are reproduced as below:



“9. Having heard rival contentions raised and on perusal of the facts obtained in the present case, we are of the considered view that writ petitioner ought to have been non-suited or in other words writ petition ought to have been dismissed on the ground of delay and laches itself. An applicant who approaches the court belatedly or in other words sleeps over his rights for a considerable period of time, wakes up from his deep slumber ought not to be granted the extraordinary relief by the writ courts. This Court time and again has held that delay defeats equity. Delay or laches is one of the factors which should be born in mind by the High Court while exercising discretionary powers under Article 226 of the Constitution of India. In a given case, the High Court may refuse to invoke its extraordinary powers if laxity on the part of the applicant to assert his right has allowed the cause of action to drift away and attempts are made subsequently to rekindle the lapsed cause of action.

10. The discretion to be exercised would be with care and caution. If the delay which has occasioned in approaching the writ court is explained which would appeal to the conscience of the court, in such circumstances it cannot be gainsaid by the contesting party that for all times to come the delay is not to be condoned. There may be myriad circumstances which gives rise to the invoking of the extraordinary jurisdiction and it all depends on facts and circumstances of each case, same cannot be described in a straight jacket formula with mathematical precision. The ultimate discretion to be exercised by the writ court depends upon the facts that it has to travel or the terrain in which the facts have travelled.



11. For filing of a writ petition, there is no doubt that no fixed period of limitation is prescribed. However, when the extraordinary jurisdiction of the writ court is invoked, it has to be seen as to whether within a reasonable time same has been invoked and even submitting of memorials would not revive the dead cause of action or resurrect the cause of action which has had a natural death. In such circumstances on the ground of delay and latches alone, the appeal ought to be dismissed or the applicant ought to be non-suited. If it is found that the writ petitioner is guilty of delay and latches, the High Court ought to dismiss the petition on that sole ground itself, in as much as the writ courts are not to indulge in permitting such indolent litigant to take advantage of his own wrong. It is true that there cannot be any waiver of fundamental right but while exercising discretionary jurisdiction under Article 226, the High Court will have to necessarily take into consideration the delay and latches on the part of the applicant in approaching a writ court.”

12. This Court in ***Bal Krishan v. State of Punjab and others, 2012(4) SCT 712*** and ***Tarsem Pal v. Punjab State Power Corporation Limited and others, 2012(26) SCT 343*** has dismissed petitions on the ground that writ jurisdiction cannot be invoked at the will and convenience of the litigant. Anyone who claims rights must be vigilant and he must enforce his rights within reasonable time.

13. Since, no explanation has been given by the petitioner either in the departmental appeal or in the present petition for not filing the appeal within stipulated period of 45 days from the date of order of his dismissal by the punishing authority, therefore, the plea taken by the

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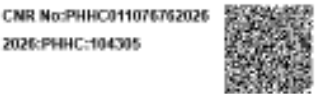
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petitioner that after suspension of his sentence by this Court, he was busy in trying to get his conviction stayed, is not a satisfactory ground to condone the inordinate delay of 1215 days in filing the departmental appeal. Further, the present writ petition has been filed after an inordinate delay of more than four years from the passing of the order of dismissal from service. Such belated challenge is clearly hit by the doctrine of delay and laches. The judgment relied upon by learned counsel for the petitioner is not applicable to the facts and circumstances of the present case.

14. In view of the above, this Court is of the considered opinion that there are sufficient grounds and reasons for awarding the punishment of dismissal from service to the petitioner, who has been convicted and sentenced to undergo (rigorous imprisonment) for 05 years and, in default of payment of fine, further rigorous imprisonment for 02 months, for committing the offence of abetment to suicide of a contractor, namely, Pran Nath Khanna, who, after being subjected to harassment for almost one year, ended his life, by committing suicide and even otherwise there is no illegality or irregularity in the impugned orders and, therefore, the impugned order of dismissal dated 01.02.2022 (Annexure P-2) and order dated 11.06.2026 (Annexure P-11) are held to be legal, correct and valid and the same do not warrant any interference of this Court.

Needless to observe here that there is no order of any Court showing stay on conviction.

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15. In view of the above and the settled legal position, this Court is of the considered opinion that the present petition is liable to be dismissed primarily finding no merit and on the ground of delay and laches as well.

16. Consequently, the instant petition is dismissed, with no order as to costs.

29.07.2026
R.S.

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No