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C.A.No. 1338 OF 2001
ITEM No.111

COURT NO. 10

SECTION IV B

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

CIVIL APPEAL NO.1338 OF 2001@@
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Nachhattar Singh ...APPELLANT (S)

VERSUS

Shiromani Gurdwara Prabandhak Committee ...RESPONDENT(S)

(With office report)

With
C.A.No.7018/2001 (With office report)
SLP(C) Nos.2155 & 21467 of 2002
(With appl. for c/delay in filing SLP)

Date : 30/01/2003 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SHIVARAJ V. PATIL
HON'BLE MR. JUSTICE ARIJIT PASAYAT

For Appellant (s) Mr. A.P. Mohanty, Adv.
Mr. M.J.S. Rupal, Adv.
Mr. Hitesh Kumar Singh, Adv
Ms. Anuradha Priyadarshini, Adv. for
M/s. Gagrat & Co., Advs.

For Respondent (s) Mr. Har Dev Singh, Sr. Adv.
Mr. Permjit Singh Jahangir, Adv.
Ms. Madhu Moolchandani, Adv.

UPON hearing counsel the Court made the following
O R D E R

.....L.....I.....T.....T.....T.....T.....T.....T.....J
.SP2

Delay condoned.
The special leave petitions and civil appeals are
dismissed in terms of the signed order.

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(R.K. Dhawan) (Shelly Sengupta)@@
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Court Master Court Master@@
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(Signed order is placed on the file)

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CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.1338 OF 2001@@
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Nachhattar Singh

Appellant(s)

versus

Shiromani Gurdwara Prabandhak Committee

Respondent(s)

WITH

C.A.No.7018/2001, SLP(C) No.21467/02 and SLP(C) No.21559/02@@
CC

O R D E R@@
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.....L.....I.....T.....T.....T.....T.....T.....T.....J.
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S.L.P.(C) No.21467/2002@@
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The services of the petitioner were terminated by
Order dated 19.4.1997, which reads thus:

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.SP1

"According of office Order No.122 dated 16.4.1997 of Shiromani Gurdwara Prabandhak Committee, the Executive Committee in its meeting dated 15.4.1997 on the basis of reply to the Charge-Sheet having not been found satisfactory has relieved Bhai Gurmit Singh Granthi under suspension (s/o Sh Waryam Singh). Sri Darbar Sahib, Sri Amritsar on the charge of stealing Rs.204/- (Rupees Two Hundred Four Only) from the golak of Gurdwara Santokhear Shaib."

.....L.....I.....T.....T.....T.....T.....T.....T.....J
.SP2

Aggrieved by the said order of termination, the petitioner filed Writ Petition No.3602/2000 on 16-3-2000 in the High Court. The High Court after noticing the averments made in the writ petition and looking to the facts of the case dismissed the writ petition on the
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ground of delay and laches stating that the petitioner failed to explain the delay of more than two years and eight months in filing the writ petition. The learned counsel for the petitioner contended that the order of removal of the petitioner from service was patently illegal, it was one passed without holding any enquiry whatsoever and it was against the principles of natural justice. He added that there is no alternative remedy available to the petitioner other than filing the writ petition.

We may also notice that there is a delay of more than two hundred days in filing this special leave petition also which we condone. The High Court exercising its discretion under Article 226 of the Constitution dismissed the writ petition on the ground of delay and laches. Having regard to the facts and

circumstances of the case, we do not find any good reason to interfere with such an order made in the discretion that too looking into the facts and circumstances of the case. Hence, the special leave petition is dismissed.

S.L.P.(C) No.21559/2002@@
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The services of the petitioner were terminated by Order dated 3.7.1997, which reads thus:

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"According of the Letter of the Manager, Gurdwara Guru Granth Sahib (Ludhiana) No.8 dated 5.6.1997, the Acting President has on the charge of misbehaving with the Manager

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and for playing indecent cassettes has relieved Bhai Acchar Singh, Granthi from service."

.....L.....I.....T.....T.....T.....T.....T.....J
.SP2

Aggrieved by the said order of termination, the petitioner filed Writ Petition No.3601/2000 on 18-3-2000 in the High Court. The High Court after noticing the averments made in the writ petition and looking to the facts of the case dismissed the writ petition on the ground of delay and laches stating that the petitioner failed to explain the delay of more than two years and eight months in filing the writ petition. The learned counsel for the petitioner contended that the order of removal of the petitioner from service was patently illegal, it was one passed without holding any enquiry whatsoever and it was against the principles of natural justice. He added that there is no alternative remedy available to the petitioner other than filing the writ petition.

We may also notice that there is a delay of more than two hundred days in filing this special leave petition also which we condone. The High Court exercising its discretion under Article 226 of the Constitution dismissed the writ petition on the ground of delay and laches. Having regard to the facts and circumstances of the case, we do not find any good reason to interfere with such an order made in the discretion

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that too looking into the facts and circumstances of the case. Hence, the special leave petition is dismissed.

C.A.No.1338/2001@@
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We have just now dismissed Special Leave Petition Nos.21467 & 21559 of 2002 raising similar controversy which were ordered to be heard along with this appeal.

This appeal is directed against the order dated 22.2.00 passed by the High Court in W.P.No.2338/00. The appellat challenged the order of termination of his services dated 18.12.94 by filing the writ petition on 18.7.00 after an inordinate delay of more than 5 years. The High Court having regard to the facts and circumstances of the case dismissed the writ petition on the ground of delay and laches exercising its discretion under Article 226 of the Constitution. The High Court felt it was not a case to exercise its discretion to give relief by condoning the inordinate delay, observing that

even a civil suit could not be filed beyond the period of three years. We do not find any good or valid ground to interfere with such an order passed by the High Court in its discretion having regard to the facts and circumstances of the case. In this view, the appeal stands dismissed.

C.A. No.7018/2001@@
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We have just now dismissed Special Leave Petition Nos.21467 & 21559 of 2002 raising similar controversy ...5/-

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which were ordered to be heard along with this appeal.

This appeal is directed against the order dated 20.3.01 passed by the High Court in W.P.No.4190/00. The appellant challenged the order of termination of his services dated 7.1.94 by filing the writ petition on 24.4.00 after an inordinate delay of more than 6 years. The High Court having regard to the facts and circumstances of the case dismissed the writ petition on the ground of delay and laches exercising its discretion under Article 226 of the Constitution. The High Court felt it was not a case to exercise its discretion to give relief by condoning the inordinate delay, observing that even a civil suit could not be filed beyond the period of three years. We do not find any good or valid ground to interfere with such an order passed by the High Court in its discretion having regard to the facts and circumstances of the case. In this view, the appeal stands dismissed.

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.....J
(SHIVARAJ V. PATIL)

.....J
(ARIJIT PASAYAT)

New Delhi,
January 30, 2003.