

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

CR No. 492 of 2006 (O&M)

Date of decision: December 9, 2015

State of Haryana and another

...Petitioners

Versus

Chhotey Lal

...Respondent

CORAM:- HON'BLE MR. JUSTICE K. KANNAN

- 1. Whether Reporters of local papers may be allowed to see the judgment ?**
- 2. To be referred to the Reporters or not ?**
- 3. Whether the judgment should be reported in the Digest?**

Present: Mr. Saurabh Mohunta, Advocate,
for the petitioners.

Mr. Amit Jain, Advocate,
for the respondent.

K. KANNAN, J. (Oral)

1. The revision is against the order of the lower appellate court declining to entertain the appeal which was filed after a delay of 50 days in filing the appeal. The suit was brought at the instance of a conductor in the service of Haryana Government in transport department. The suit claim related to the salary declining to him during the period of his suspension, when the departmental proceedings had been initiated against him, which ultimately came to a favourable decision to the workman that the charges against him have not been established. The full pay and entitlement to salary became, therefore, due to the plaintiff, as a matter of necessary corollary and the court after trial had allowed for a decree to be passed for the amounts claimed.

2. The delay of 50 days in filing the appeal when the court takes

five years at least to dispose of a case was not fair. The Presiding Officer was perhaps was unrealistic. The delay by the State are next to routine and the Judge could have been the lenient to allow to a contest on merits.

3. The learned counsel for the respondent states that the plaintiff has even expired and his wife herself is aged person of more than 65 years. Having regard to the nature of claim as representing the arrears of salary and the fact that the plaintiff had the benefit of a decree, I will allow for the delay in filing the appeal to be condoned on condition that the State deposits 50% of the amount decreed with interest @ 6% from the date of the suit till the date of payment to the credit of the appeal and the same shall be permitted to be withdrawn by the respondent without any security. The receipt shall be subject to final outcome of the appeal. Needless to state that the court, while disposing of the appeal, may also consider appropriate interest in the event of the appeal failing and it need not be controlled by the provision made at 6% presently made in this order. The respondent shall also be entitled to ₹5,000/- as costs for this revision, which shall be paid directly or deposited along with the amount specified above. The deposit shall be made within a period of four weeks from the date of receipt of a copy of the order. If the amount is not deposited, the order passed already shall stand restored and the right to contest the case on merits will be withdrawn.

4. The revision petition is allowed but subject to the above terms.

December 9, 2015
prem

(K.KANNAN)
JUDGE