

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

Civil Revision No.1318 of 2002 (O&M)

Date of decision:04.03.2015

The State of Punjab through Secretary to Government Department
of Health & Family Welfare, Punjab, Chandigarh, and another.

... Petitioners

versus

Dr. (Mrs.) Krishna Bhalla, Civil Surgeon (Retired), Jalandhar, now
resident of 727, Hargobind Nagar, Phagwara, District Kapurthala.

.... Respondent

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Ms. Vandana Malhotra, Additional Advocate General,
Punjab, for the petitioner.

Mr. R.S. Sharma, Advocate,
for the respondent.

K.Kannan, J. (Oral)

1. The revision is against the dismissal of appeal which was filed with 78 days delay. The learned District Judge found that no evidence was given for 78 days delay. The suit was for a claim for additional increments attached to the promotion post alleged to have been denied to the plaintiff by the State. The State took a contention in defence that the exercise of option for the particular scales which stood revised had not been done by the plaintiff within the time prescribed under the notification as a justification for the denial. The trial Court rejected the defence of the State and granted a decree as prayed for. When the appeal was filed, there was a delay.

2. It is fair enough that the appellate Court was looking for appropriate justification for 78 days delay but it has now become literally a practical joke. It is, on the other hand, expected by every lawyer that there is bound to be a delay for umpteen reasons. Any judicial intervention where a strict view is taken is invariably diluted by higher forums. Here, this case presents an occasion for me to dilute the standard which the learned District Judge was setting for his exercise of discretion. We have come by liberal approaches only because even without such delay, courts are not equipped to dispose of matters quickly. If appeal had been filed in time and the court takes 10 years to dispose of, would there be a justification for an institution to turn to a litigant to ask why there was a delay? We would require a systemic overhaul when we will frown upon every day's delay as something serious. So long as we have not evolved new strategy to cope with the existing mounting arrears, I will not take a delay of 78 days as of any consequence to fend off a litigant from being heard on merits. The order passed is set aside and the appeal is directed to be numbered and heard and disposed of in accordance with law.

3. The civil revision is allowed on the above terms.

(K.KANNAN)
JUDGE

04.03.2015
sanjeev