

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

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Letters Patent Appeal No.1211 of 2013 (O&M)

Date of Decision: January 30, 2015

State of Haryana and others

...Appellants

Versus

Om Parkash

...Respondent

**CORAM: HON'BLE MR. JUSTICE S.J. VAZIFDAR, ACTING CHIEF JUSTICE
HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH**

Present: Ms. Palika Monga, Deputy Advocate General, Haryana,
for the appellants.

Mr. C.S. Singh, Advocate
for Mr. G.S. Hooda, Advocate
for the respondent/caveator.

S.J. VAZIFDAR, ACTING CHIEF JUSTICE (ORAL)

CM No.3163-LPA/13

There is a considerable delay of 501 days. The explanation in the application for condonation of delay is indeed not very satisfactory. It is stated that the office of the Advocate General received the certified copy of the judgment only on 10.01.2013. However, in the facts and circumstances of this case, the delay ought to be condoned, *inter alia*, in public interest.

2. The question is whether the respondents were entitled to be considered for the post of Multipurpose Health Worker. The similar issue was being agitated in several other matters as well. The main order, upon which the impugned order was based, is dated 28.01.2011. That judgment was carried by the appellants in appeal by filing LPA No.773 of 2011. The appellants succeeded in the appeal, which was disposed of by an order and judgment of the Division Bench dated 06.11.2012. In view of the fact that

the posts relates to Multipurpose Health Worker and as the question of qualification itself is concerned, the interest of justice demands that the matter ought not to be dismissed only on the ground of delay.

3. C.M. is allowed.

LPA No.1211 of 2013

This is an appeal against the order and judgment of the learned Single Judge dated 15.02.2011. The learned Judge proceeded on the basis that the matter is squarely covered by the decision rendered in CWP No.16540 of 2010 in the case of **Suresh and others Vs. State of Haryana and others**, dated 28.01.2011. The judgment dated 28.01.2011 was in a group of writ petitions including the said CWP No.16540 of 2010. The said judgment dated 28.01.2011 passed in CWP No.16540 was challenged by filing LPA No.773 of 2011. The judgment of the learned Single Judge was set aside by an order and judgment of Division Bench dated 06.11.2012 reported in 2013(1) RSJ 224. In view of the order and judgment of the Division Bench, the appeal is allowed. The learned counsel appearing on behalf of the respondents stated that he had no instructions from his clients and that in fact, the clients have taken away the papers.

2. The impugned order and judgment is set aside. We allow this appeal in view of the matter being covered by the order and judgment of the Division Bench as noted above.

(S. J. VAZIFDAR)
ACTING CHIEF JUSTICE

January 30, 2015
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE