

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Letters Patent Appeal No.1022 of 2015 (O&M)

Date of Decision: July 14, 2015

Inderjit Singh

.....Appellant

versus

Assistant Registrar, Cooperative Societies, Fatehgarh Sahib and
another

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.
HON'BLE MR.JUSTICE P.B.BAJANTHRI.

Present: Mr.Shashikant Gupta, Advocate, for the appellant.

:-

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?*

Surya Kant, J. (Oral)

The appellant assails the order dated 19.12.2013 whereby his writ petition was dismissed for non-prosecution. He also challenges the subsequent order dated 01.05.2015 vide which the learned Single Judge has dismissed his application for the recall of order dated 19.12.2013.

[2] The facts may be noticed briefly.

[3] The appellant filed the subject writ petition in the year 2002 seeking his appointment on compassionate ground in the respondent-Cooperative Society on the plea that he is adopted son of Chhota Singh who was serving Sewadar-cum-Chokidar in the Society and whose services were illegally terminated. Chhota Singh raised an 'industrial dispute' which was answered in his favour and that Award attained finality. However, even before Chhota Singh could be reinstated in

service, he unfortunately died on 02.02.1990. In this manner, Chhota Singh was deemed to have died while in service. The appellant claims himself to be the adopted son of Chhota Singh. He first time applied for appointment on compassionate ground on 23.01.2002 (P-4) but on the rejection of his claim, he approached this Court.

[4] When the case came up for final hearing on 19.12.2013, the counsel through whom the writ petition was filed made a statement that the appellant had withdrawn the brief from him and he had no instructions to appear. No one else also appeared on behalf of the appellant. The writ petition was thus dismissed for non-prosecution.

[5] The appellant then moved an application under Order 9 Rule 9 read with Section 151 CPC for recalling the order dated 19.12.2013 on the ground that he had engaged a new counsel in the year 2008 who, however, failed to appear before the Court on 19.12.2013 and thereafter, he had engaged yet another counsel through whom the instant application was filed. Learned Single judge has dismissed that application vide order dated 01.05.2015 observing that the appellant's laxity is writ large on the face of it and calls for no interference.

[6] The aggrieved appellant has filed this intra-court appeal.

[7] We have heard learned counsel for the appellant in support of the restoration application and in all fairness on merits as well.

[8] We are satisfied that the appellant has failed to make out any case either to set-aside the order passed by learned Single Judge or for grant of desired relief on merits. It

was the duty of appellant to prosecute his case as a vigilant litigant and if his counsel did not turn up for any reason, the Court cannot be blamed for taking up the case as per its turn.

[9] Notwithstanding the dismissal of appellant's writ petition for non-prosecution, we have pondered over the merits of the case. As the facts would speak for themselves, adopted father of the appellant died in the year 1990. The date of birth of the appellant is 15.07.1959 (P-2). As of now he is 56 years of age. At this juncture, no occasion arises to issue any direction for the appellant's appointment on compassionate ground.

[10] No case to interfere with the orders passed by learned Single Judge is made out.

[11] Dismissed.

[SURYA KANT]
JUDGE

July 14, 2015
mohinder

[P.B.BAJANTHRI]
JUDGE

CM No.2128 of 2015 in
LPA No.1022 of 2015

- - -

Inderjit Singh vs. The Assistant Registrar, Cooperative
Societies and another

Present : Mr. Shashikant Gupta, Advocate,
for the applicant-appellant.

* * *

Since main appeal has been decided on merits,
no separate order is required to be passed on this application
for condonation of 496 days delay in filing the appeal.

(SURYA KANT)
JUDGE

July 14, 2015
mohinder

(P.B. BAJANTHRI)
JUDGE