

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

LPA No. 1481 of 2015 (O&M)

Date of Decision: - 9.10.2015

Ranjit Singh

...Petitioner.

Versus

State of Punjab and others

....Respondents.

**CORAM:- HON'BLE MR. JUSTICE HEMANT GUPTA
HON'BLE MR. JUSTICE RAJ RAHUL GARG**

Present: - Mr. Somesh Gupta, Advocate for the petitioner.

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Hemant Gupta, J (Oral)

Challenge in the present Letters Patent Appeal is to an order passed by the learned Single Judge dated 8.8.2011, whereby the writ petition was allowed, and the order of termination of services of the appellant was set aside and the appellant was ordered to be reinstated but it was ordered that he shall not be entitled to any wages for the period, he did not work.

In the present appeal, there is an application for condonation of delay of 1359 days in filing the appeal. It is pointed out that the appellant filed another writ petition to claim back wages which was withdrawn on 25.11.2014 to avail alternative remedy. Thereafter, the appellant filed an application for modification of the order impugned in the present appeal. Such application for modification was declined on 4.3.2015.

The appellant claims that the period spent in prosecuting the another writ petition and an application for modification of the

order should be excluded, thereafter the delay would be of much lesser period than mentioned in the application for condonation of delay.

We have heard learned counsel for the appellant and find no merit in the writ petition. The writ petition was allowed except to the extent that appellant shall not be given wages for the period he did not work. Not only the said condition is fair and reasonable but we do not find any reason to condone the delay in filing the present appeal. The filing of writ petition to claim back wages cannot be said to be for a bona fide reasons as it is elementary that an order passed by a Court can be set aside or modified in an appeal only and not by way of a writ petition. We do not find that any cause is made out for exclusion of time in terms of Section 14 of the Indian Limitation Act, 1963.

In view of the said fact, we do not find any merit in the present appeal and in the application for condonation of delay.

Dismissed.

(HEMANT GUPTA)
JUDGE

(RAJ RAHUL GARG)
JUDGE

9.10.2015
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