

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Letters Patent Appeal No.217 of 2015 (O&M)
Date of Decision: April 21, 2015

The State of Haryana and others
.....Appellants
versus
Ram Kishan Mittal and others
.....Respondents

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

Present:Mr.R.D.Sharma, Deputy AG, Haryana,
for the appellants.

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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 order dated 20.1.2014 whereby learned Single Judge has directed the appellants to release arrears of pension for a period of 38 months prior to the date of submission of representation or the date of retirement of the respondent-retirees, whichever is later, is under challenge in this letters patent appeal.

[2] The above-stated direction came to be issued by learned Single Judge for the reason that earlier a Division Bench of this Court had directed the appellant-authorities to consider the claim of private-respondents for promotion to the posts of Sub Divisional Engineers etc. from the date they became eligible and further subject to availability of year-wise vacancies. The said claim on consideration was found well merited and was accepted vide order dated 31.08.2012

(Annexure P-6). However, a rider was imposed that the respondent-retirees shall not be entitled to any monetary benefits though they will be given notional promotion so as to compute the retiral benefits.

[3] The aforementioned order has been partially modified by learned Single Judge taking a clue from the directions earlier issued by the Division Bench.

[4] In our considered view, the learned Single Judge has well balanced the equity by restricting the payment of arrears of revised pension for a period of 38 months preceding the date of submission of representation or the date of retirement whichever is later. No case, thus, is made out to interfere with the directions issued by learned Single Judge.

[5] It is pertinent to mention here that much before filing of this appeal, the appellant-authorities have already given effect to the directions issued by learned Single Judge and due amount has since been paid. Having done so, we see no justification in filing the appeal.

[6] Further, there is delay of 338 days in filing of the appeal and the application seeking condonation of delay does not disclose any reasonable explanation worth acceptance. Even on this count also the appeal must fail.

[7] Dismissed.

[SURYA KANT]
JUDGE

April 21, 2015
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[P.B.BAJANTHRI]
JUDGE