

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

LPA No. 392 of 2015 (O&M)

DATE OF DECISION : 13.03.2015

State of Haryana and another

.... APPELLANTS

Versus

Bhoom Singh

.... RESPONDENT

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present : Mr. R.K.S. Brar, Addl. A.G., Haryana,
for the appellants.

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SATISH KUMAR MITTAL, J. (Oral)

This intra-court appeal under Clause X of the Letters Patent has been filed against the order dated 12.02.2014 passed by the learned Single Judge, whereby the writ petition (CWP No. 13465 of 2006) filed by Bhoom Singh (respondent herein) has been allowed in terms of the order dated 17.02.2013 (Annexure P-5) passed by this court in CWP No. 884 of 1992, titled as L.R. Khanna versus State of Haryana and another, which had attained finality, as the Letters Patent Appeal and the Special Leave Petition preferred against the said order were dismissed.

Though there is delay of 358 days in filing the instant appeal and the appellants have filed an application (CM No. 762-LPA of 2015) for condoning the delay, yet we have heard learned counsel for the appellants

on merits and have gone through the order passed by the learned Single Judge.

The learned Single Judge has clearly observed that case of the respondent herein and that of L.R. Khanna in the aforesaid writ petition are exactly the same and in view of the decision in L.R. Khanna's case (supra), the same relief has been granted to the respondent herein. It was also observed that while allowing the claim of L.R. Khanna, a judgment of this court in **Jatinder Kumar Verma v. The State of Haryana**, 1999 (4) SCT 37 was also relied upon, and LPA No. 1176 of 1994 preferred by the State of Haryana against the said judgment in Jatinder Kumar Verma's case was also dismissed on 20.03.1995.

Before the learned Single Judge, it was not controverted that the claim made by the respondent herein is similar to the claim of L.R. Khanna in the aforesaid writ petition.

Learned counsel for the appellants contends that the LPA in Jatinder Kumar Verma's case (supra) was dismissed on limitation and not on merits. In this regard, when learned counsel was asked to refer to the decision of the said LPA, he expressed his inability for the same. During the course of hearing, we have called the record of the case of LPA No. 1176 of 1994. A perusal of the order dated 20.03.1995 passed therein reveals that the LPA was dismissed on merits. The case file has also been shown to learned counsel for the appellants and he is satisfied that the LPA was dismissed on

merits. Faced with this situation, learned counsel very fairly states that there is no merit in this appeal.

Dismissed.

(SATISH KUMAR MITTAL)
JUDGE

March 13, 2015
ndj

(HARINDER SINGH SIDHU)
JUDGE