

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Letters Patent Appeal No. 115 of 2015 (O&M) in
CWP No. 8700 of 2011
Date of decision: 24.5.2016

Mrs. Poonam

.. Appellant

v.

Rekha Goyat and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL
HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. Anurag Goyal, Advocate for the appellant.
Mr. Jaivir Yadav, Advocate for respondent No. 1.
Mr. Ankur Mittal, Additional Advocate General, Haryana.

...

Rajesh Bindal J.

The judgment of the learned Single Judge dated 28.2.2012 has been impugned by filing the present intra-court appeal. Along with the appeal, an application seeking condonation of delay of 1,020 days has been filed. Further, application has been filed seeking impleadment of the appellant as she was not party to the writ petition.

Learned counsel for the appellant submitted that the impugned order was obtained by respondent No. 1 by playing fraud. It pertains to recruitment on the post of Scientific Assistant (Ballistic). The post was sought to be filled up by way of direct recruitment. By concealing the complete facts, a direction was sought for filling up the same by way of promotion. When the appellant came to know about the same, she filed the present appeal, hence, there was delay.

On the other hand, learned counsel for the respondents submitted that when the appellant was offered appointment, it was

specifically mentioned therein that the same is subject to decision of the writ petition filed by respondent No. 1, hence, the claim of the appellant that she did not know about pendency of the writ petition filed by respondent No. 1 claiming promotion to the post of Scientific Assistant (Ballistic), on which the appellant was appointed on direct recruitment basis, is totally misconceived, hence, there is no good ground for condonation of huge delay in filing the appeal.

After hearing learned counsel for the parties, we do not find any reason to condone the huge delay of 1,020 days in filing the appeal once it is established that in the appointment letter issued to the appellant on 19.9.2011, there was specific mention of CWP No. 8700 of 2011 filed by respondent No. 1, which was finally decided on 28.2.2012. In case, the appellant had any grievance with reference to the petition filed by respondent No. 1, she could very well got herself impleaded in that writ petition or challenge the order immediately after the same was passed.

For the reasons mentioned above, we do not find that any ground is made out for condonation of delay of 1,020 days in filing the appeal. Accordingly, the application is dismissed. Consequently, the appeal as well as other accompanying applications are also dismissed.

(Rajesh Bindal)
Judge

(Harinder Singh Sidhu)
Judge

24.5.2016
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