

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

LPA No.446 of 2016 (O&M)

Date of Decision: 01.08.2016

State of Haryana and another

..... Appellants

Versus

Chabil Dass Mehta and another

..... Respondents

**CORAM: HONBLE MR. JUSTICE SURYA KANT
HONBLE MR. JUSTICE SUDIP AHLUWALIA**

1. Whether speaking/reasoned? Yes/No
2. Whether reportable? Yes/No
3. Whether Reporters of local papers may be allowed to see the judgment?
4. To be referred to the Reporters or not?
5. Whether the judgment should be reported in the Digest?

Present: Mr. R.D. Sharma, DAG, Haryana.

Mr. Rajdeep Singh Cheema, Advocate,
for respondent No.2.

SURYA KANT J. (ORAL)

1. This Letters Patent Appeal is directed against the order of learned Single Judge dated 12.05.2015. There is a separate application seeking condonation of delay of 238 days as well. We have gone through the contents of the application. There are vague and evasive averments without tendering any reasonable explanation for the inordinate delay, more so when the time limit to file an intra Court appeal is 30 days only. The application for condonation of delay is accordingly declined.

2. Be that as it may, we have heard the State counsel as well as counsel for respondent No.2 on merits also and find that it is not a case where the State has been burdened with a huge liability towards interest.

The respondent served in a Government Aided Institute for whole of his life

and retired from the post of Principal. Taking into consideration all the attending circumstances, especially when the cost of litigation might be more than what the actual benefit granted to the respondent, we are not inclined to interfere with the order of learned Single Judge.

3. However, wherever respondent No.1 has earned the interest on the retiral dues, he may not be paid the interest again, as directed by the learned Single Judge.

4. With these directions, the appeal stands dismissed.

(SURYA KANT)
JUDGE

01.08.2016

Bhumika

(SUDIP AHLUWALIA)
JUDGE