

**CM-1900-LPA-2016 in/and
LPA-920-2016 (O&M)**

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

**CM-1900-LPA-2016 in/and
LPA-920-2016 (O&M)
Date of Decision: December 13, 2016**

Om Parkash

.....Appellant

Versus

State of Haryana and others

.....Respondents

**CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR. JUSTICE SUDIP AHLUWALIA**

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

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Present: Mr.Vivek Goyal, Advocate
for the appellant.

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SURYA KANT, J.

This Letters Patent Appeal is directed against the order dated 06.10.2014 whereby the learned Single Judge has dismissed the appellant's writ petition in which he challenged the order of punishment of stoppage of three annual increments with cumulative effect. The appeal is accompanied with an application under Section 5 of the Limitation Act seeking condonation of 568 days' delay in filing the appeal. It may be mentioned that the time period for filing an *intra -court* appeal is 30 days only. The solitary reason given in the application is that counsel through whom the writ petition was filed subsequently joined the office of Advocate General, Haryana, due to which the appellant could not contact him. The reason is totally vague and evasive. The contact number of the Advocate did not change with his

appointment in the office of Advocate General, Haryana. Further the

appellant could contact the counsel through postal letter also. No such effort appears to have been made. There is no merit in the application, which is accordingly dismissed.

Even on merits also, we do not find any ground to interfere with the order under appeal. The appellant challenged the order of punishment after a period of more than three years. Writ petition also, thus, suffered from delay and laches. The order of punishment was passed after considering the explanation of the appellant. It is a well reasoned order. In any case departmental appeal under the statutory Rules was maintainable against the said order. Appellant, if so advised, may file such an appeal, which the Appellate Authority may consider sympathetically and on merits.

**(SURYA KANT)
JUDGE**

December 13, 2016
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**(SUDIP AHLUWALIA)
JUDGE**

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| 1. | Whether speaking/reasoned ? | Yes/No |
| 2. | Whether reportable ? | Yes/No |