

**LPA no.1729 of 2017 (O&M)            1**

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

**LPA no.1729 of 2017 (O&M)**

**Date of Decision :18.09.2017**

State of Haryana and others

....Appellant(s)

Versus

Smt. Samindro Devi and another

...Respondent(s)

**CORAM : HON'BLE MR.JUSTICE MAHESH GROVER  
HON'BLE MR JUSTICE RAJ SHEKHAR ATTRI**

**Present : Mr. G.S.Wasu, Addl. AG, Haryana  
for the appellant(s)**

**MAHESH GROVER, J.(ORAL)**

The writ petition preferred by the writ petitioner was disposed of on the basis of decision rendered by this Court in **Smt. Saroj and another vs. State of Haryana and others.** The impugned order is extracted herebelow:-

“Admittedly, this matter is covered by ratio of decision in **Smt. Saroj and another vs. State of Haryana and others (CWP no. 12717 of 2009 decided on 7.11.2016).** This petition is allowed in the same terms.”

Learned counsel for the appellants contends that case in hand has distinct facts from the one on the basis of which the decision has been rendered. It is urged before us that in the present case the writ petitioner has been granted benefit under 2003 Rules which was not in case of Smt. Saroj

(supra). In short the argument is that ratio of Smt. Saroj's case (supra) has been wrongly applied to the present case.

After hearing learned counsel for the appellant, we are of the opinion that if that be so then such a plea ought to have been raised before the learned Single Judge seeking a clarification in this regard. We, therefore, decline interference leaving the appellants to their remedies in law. Hence, instant appeal is hereby dismissed. That apart, appeal is also barred by delay of 232 days and in the given set of circumstances, we also decline to condone the delay of 232 days in filing the instant appeal in the absence of any justifiable explanation.

(Mahesh Grover)  
Judge

(Raj Shekhar Atttri)  
Judge

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|---------------------------|--------|
| 18.09.2017                |        |
| rekha                     |        |
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |