

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

**CM-356-LPA-2017 in/and
LPA No.173 of 2017 (O&M)
Date of Decision: 06.02.2017**

Davinder Singh

... Appellant

VS.

Punjab State Power Corporation Ltd. & Ors.

... Respondents

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

Present: Mr. JPS Sidhu, Advocate for the appellant

SURYA KANT, J. (Oral)

(1) The instant Letters Patent Appeal assails the order dated 08.01.2016 vide which the claim of the appellant for compassionate appointment under the *ex gratia* policy has been turned down by learned Single Judge.

(2) In our considered view the appeal must fail on the ground of unexplained and inordinate delay as well as on merits.

(3) Adverting to the merits of the case, it may be noticed that the father of the appellant was working as Assistant Lineman who unfortunately died on 17.08.2008 while in service. Though the appellant is said to have applied for compassionate appointment immediately but his claim was turned down on the ground that there was no policy in force for giving employment at the time when his father died. Such a policy came into force on 16.04.2010 only. Consequently, as per the old policy, financial assistance of ₹ 3 lacs was offered to the appellant on 17.06.2011. The appellant accepted the same in the year 2014 and thereafter he challenged the action by way of a writ petition filed in 2016. Learned Single Judge in these circumstances has declined to interfere and rightly so.

(4) The appellant has chosen to challenge the order of learned Single Judge along with an application for condonation of delay of 349 days in filing the appeal. The time limit to file an intra-court appeal is 30 days only. In the application, it is averred that the clerk attached to the Advocate engaged by the appellant left the service of the Advocate and 'took away' the file pertaining to the appellant's case. The averments made in the application does not inspire confidence and it is difficult to accept such an explanation.

(5) For the reasons afore-stated, we do not find any merit in the application and consequently, the appeal is dismissed.

(Surya Kant)
Judge

06.02.2017
vishal shonkar

(Sudip Ahluwalia)
Judge

1. *Whether speaking/reasoned?*
2. *Whether reportable?*

Yes
No