

LPA no. 2276 of 2017 (O&M) 1

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

LPA no. 2276 of 2017 (O&M)

Date of Decision : 08.12.2017

State of Punjab and others

....Appellant(s)

Versus

Dr. Anju Khurana

...Respondent(s)

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

Present : Mr.Sahil Sharma, DAG, Punjab

MAHESH GROVER, J.(ORAL)

The appellants are in appeal against the judgment of the learned Single Judge dated 20.2.2017. The writ petitioner was granted some benefits on account of increments validly but the benefit was withdrawn without issuance of any show cause notice to her on the ground that the benefits had been erroneously granted, in view of her average reports for few periods.

Learned Single Judge opined that the benefit once given could not have been withdrawn without issuance of a show cause notice to the beneficiary.

Learned counsel for the appellants has been unable to offer any meaningful argument or point to any infirmity in the impugned order. It is a settled proposition of law that benefit once granted cannot be withdrawn unless a show cause notice is issued to the concerned person and such a

decline interference in the impugned order. The appeal is also barred by inordinate delay of 254 days. A perusal of the application for condonation of delay shows that the office of Advocate General had opined it to be a case not fit for filing the appeal yet the Department took its own decision to do so on 12.7.2017 and subsequent thereto took its own sweet time to approach this Court in November, 2017. We do not find this to be a justification to condone the inordinate delay of 254 days, particularly, when neither any justification has been offered for the delay nor appeal show any issue that has to be addressed or rectified by this Court in LPA. The appeal is, therefore, dismissed both on account of delay and merits with costs of Rs.25,000/- which shall be recovered from the personal pay of the officer responsible for taking a decision to file the instant appeal sans any justification. The costs shall be deposited before the Mediation and Conciliation Centre of this Court.

Report shall be submitted to this Court after compliance within one month from the date of receipt of the certified copy of this order.

(Mahesh Grover)
Judge

08.12.2017

rekha

Whether speaking/reasoned

Whether reportable

Yes/No

Yes/No

(Raj Shekhar Attri)
Judge