

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Misc. No.1759 of 2017 in/and
Letters Patent Appeal No.820 of 2017 (O&M)
Date of Decision: May 22, 2017

Ram Niwas

.....Appellant

versus

State of Haryana and others

.....Respondents

**CORAM: HON'BLE MR.JUSTICE SURYA KANT.
HON'BLE MR.JUSTICE HARI PAL VERMA.**

Present: Mr.Jai Bhagwan Sharma, Advocate, for the appellant.
Mr.Deepak Balyan, Additional AG, Haryana.

-. -

Surya Kant, J. (Oral)

Notice of motion.

On our asking, Mr.Deepak Balyan, learned Additional Advocate General, Haryana, accepts notice on behalf of the respondents.

Let five copies of the complete paper book be handed-over to him during the course of day.

Heard learned counsel for the parties.

The instant letters patent appeal is directed against the order dated 04.07.2016 whereby the appellant's writ petition has been dismissed on the ground of delay and laches.

The controversy pertains to determination of seniority in the cadre of Clerks in the Education Department, Haryana. The learned Single Judge appears to have observed that the writ petition is suffering from delay and laches for the reason that the appellant did not place on record all the relevant documents and information.

The writ petition has been drafted in a totally casual manner

due to which the learned Single Judge has formed such view. Some of the relevant facts having direct bearing on the question of delay and laches have not been even pleaded.

In this view of the matter and as prayed for by learned counsel for the appellant, we allow this appeal to the extent that the order dated 04.07.2016 passed by the learned Single Judge is set-aside and the writ petition filed by the appellant is dismissed as withdrawn with liberty to file a fresh petition on the same cause of action alongwith relevant documents.

Ordered accordingly.

**[SURYA KANT]
JUDGE**

May 22, 2017
mohinder

**[HARI PAL VERMA]
JUDGE**

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No

CM No.1758 of 2017 in
LPA No.820 of 2017

- - -

Ram Niwas versus State of Haryana and others

Present : Mr.Jai Bhagwan Shama, Advocate,
for the applicant-appellant.
Mr.Deepak Balyan, Additional AG, Haryana.

* * *

Having heard learned counsel for the parties and for the reasons
mentioned in the application, the same is allowed subject to all just
exceptions and 285 days' delay in filing the appeal is condoned.

CM stands disposed of.

(SURYA KANT)
JUDGE

May 22, 2017
mohinder

(HARI PAL VERMA)
JUDGE