

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

-:-

R.S.A. 2683 of 2016 (O&M)
Date of decision : February 08, 2017

Malkiat Singh

... Appellant

versus

Union of India & Anr.

... Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: None for the appellant.

Mr. R.S. Longia, Advocate, for the respondents.

RAJIV NARAIN RAINA, J (Oral)

There is a delay of 3155 days in presentation of this appeal. The reasons furnished for the delay are set down in para Nos. 2, 3 and 4 of the application under Section 5 of the Limitation Act, which application is supported by a short affidavit.

Para Nos. 2, 3 and 4 reads as follows:-

“2. That the appellant, after obtaining the certified copy of judgment and decree dated 26.03.2007, immediately joined service with the respondent. Thereafter, he remained posted at high reaches places as he is serving in para military forces.

3. That due to the dismissal from service he remained in financial crisis the appellant was also not aware of the technicalities of law. But, when he contacted the undersigned counsel and discussed the aspect of back wages then he decided to challenge the impugned judgment and decree partly

qua benefits of back wages.

4. That the appellant had engaged undersigned counsel at Amritsar on 19.03.2016 for filing the present appeal before this Hon'ble Court who immediately prepared the appeal and filed the same before this Hon'ble Court on 28.03.2016.”

The reasons for delay are not convincing and the Court is not satisfied with the explanation. The delay has been caused by the cognizable mistake and therefore, the law in ***Office of the Chief Post Master General & Ors. Vs. Living Media India Ltd. & Anr., 2012(3) S.C.C 563.***

Accordingly, the appeal is dismissed as time barred.

February 08, 2017
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(RAJIV NARAIN RAINA)
JUDGE

Whether speaking/reasoned – Yes/No
Whether reportable – Yes/No