

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

**CM-2010-LPA-2017 in/and
LPA No.935 of 2017 (O&M)**

Date of Decision: 31.05.2017

UHBVNL & Ors.

... Appellants

VS.

Som Nath

... Respondent

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

Present: Mr. DS Nalwa, Advocate for the appellants

SURYA KANT, J. (Oral)

(1) This Letters Patent Appeal has been filed against the order dated 17.03.2016 of the learned Single Judge along with an application for condonation of delay of 371 days in filing the appeal.

(2) Adverting to the application for condonation of delay of 371 days, it is admitted that the certified copy of the judgment dated 17.03.2016 of learned Single Judge was received on 29.07.2016 and a decision was taken to file appeal. It is claimed that the officials of the appellant met the counsel along with records for the purpose of preparation of Grounds of Appeal and in this process, the delay has occurred.

(3) The application is totally vague, evasive and cryptic as neither it discloses when was the learned counsel engaged or contacted and when were the records produced before him. It appears that the officials, who are solely responsible for the inordinate delay, have very cleverly chosen not to disclose the date-wise events to hide whether or not they were pursuing the matter with due diligence. The application is bereft of any merit and is accordingly dismissed.

(4) Having held so, we do not find any ground to interfere with the order passed by learned Single Judge even on merits. The controversy which fell for consideration of learned Single Judge was whether the respondent-writ petitioner was entitled to grant of 1st and 2nd ACP on completion of 10/20 years of service. He joined the appellant-Nigam as a Peon and later on was promoted as LDC on 03.07.1985. He did not earn any promotion thereafter for 10 years when he was granted 1st ACP. Such like further promotion continued to be illusory till he completed another 10 years, namely, 20 years which made him entitled to 2nd ACP. Learned Single Judge has thus rightly held him entitled to the above-stated benefit.

(5) No case to interfere with the judgment passed by learned Single Judge is made out.

(6) Dismissed.

(Surya Kant)
Judge

31.05.2017
vishal shonkar

(Hari Pal Verma)
Judge

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

Yes
No