

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

Date of decision: 18.01.2017

RSA No.6008 of 2015 (O&M)

State of Punjab & others

...Appellants

Vs.

Dr. Dharampal Garg & others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Dr. Puneet Kaur Sekhon, Addl. AG, Punjab.

Mr. Gurminder Singh, Senior Advocate, with
Ms. Harpriya Khaneka, Advocate, for the respondents.

RAJIV NARAIN RAINA, J. (ORAL)

At the very outset, Mr. Gurminder Singh, learned senior counsel appearing on behalf of the respondents, submits that a wrong statement was made on April 29, 2016 that respondents No.1 & 2 had been given the fruit of the decree since the order of the Civil Court had been complied with qua pay scales. There is some dispute with regard to 3rd plaintiff, who was a Demonstrator/Tutor and the debate could only be centered round him.

Mr. Gurminder Singh further points out that there is an enormous delay of 517 days in filing the appeal and if we apply the law in Postmaster General & others Vs. Living Media India Ltd. & another, (2012) 3 SCC 563, the appeal deserves to be dismissed because there isn't any reasonable explanation for the delay in approaching Court by filing a belated appeal or any sufficient cause shown which may justifiable have kept away the department of the Government for filing the appeal within limitation.

These issues of limitation in filing cases have been elaborated in *Living Media's case*. I agree with Mr. Gurminder Singh that such a long delay should not be generously condoned especially at the hands of the State where usually they take stock defenses of administrative red tape, which is no longer an acceptable excuse which Courts should accept, as the State is treated like an ordinary litigant just like private parties are. The hard fought fruit of a decree secured after long trial and time spent in first appeal cannot be squandered lightly to interference within the jurisdiction of Section 100 of the Code of Civil Procedure or Section 41 of the Punjab Courts Act, 1918.

Having heard learned counsel for the parties and after perusing the case file, I find no substantial question of law involved in this case for interference. The opinion of both the Courts below is not contrary to the established principles attached to the relief claimed.

Consequently, the instant appeal is dismissed on merits as well as on limitation.

18.01.2017
Vimal

[RAJIV NARAIN RAINA]
JUDGE

Whether speaking/reasoned: *Yes*

Whether Reportable: *No*