

(103)

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

LPA No.1094 of 2017 (O&M)
in CWP No.13418 of 2015
Date of decision: 01.03.2018

State of Punjab and others

..... Appellants

Versus

Sudha Rani

.... Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL.
HON'BLE MR. JUSTICE B.S. WALIA.

Present: Mr. Vikas Mohan Gupta, Addl. A.G., Punjab.

Rajesh Bindal, J.

Order passed by the learned Single Judge dated 09.08.2016 allowing the writ petition has been impugned by filing the present intra-court appeal. The appeal is accompanied by an application seeking condonation of delay of 221 days in filing thereof.

It is claimed that copy of the impugned order dated 09.08.2016 was received in the office of the appellants on 26.12.2016, though as is evident from the certified copy of the order placed on record that it was prepared and delivered on 15.10.2016. The matter was taken up nearly four months thereafter seeking approval for filing appeal. For sanction, another more than one month time was utilized and it is claimed that after completing all the formalities, appeal was filed in June, 2016 as a result of which delay of 221 days in filing the appeal was there.

The aforesaid explanation can hardly be accepted. Even otherwise, the learned Single Judge has set aside the order of dismissal as the same was passed after his death. It could not be disputed that any order dismissing an employee could not be passed after he had already expired.

As no ground is made out for condoning huge delay of 221 days in filing the appeal, the application seeking condonation of delay in filing the appeal is dismissed. Consequently, the appeal is also dismissed.

(Rajesh Bindal)
Judge

(B.S. Walia)
Judge

01.03.2018
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1. Whether speaking/reasoned : Yes/No.
2. Whether reportable : Yes/No.