

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 105

LPA No. 1376 of 2017 (O&M)
in CWP No. 7733 of 2015
Date of decision : 09.05.2018

State of Haryana and another

..... Appellants

VERSUS

Ghamandi Lal

..... Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL
 HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Ms. Tanisha Peshawaria, DAG, Haryana.

. . .

RAJESH BINDAL, J:

Order dated 17.06.2016, passed by the learned Single Judge, allowing the writ petition, has been impugned by filing the present intra-court appeal. Alongwith appeal, an application seeking condonation of delay of 340 days in filing the appeal has also been filed.

This Court is not satisfied with the contentions and the grounds raised in the application seeking condonation of delay of 340 days in filing the appeal. Earlier this Court had afforded opportunity to the State counsel to file a better affidavit explaining the delay. Affidavit dated 24/30.01.2018 of Rakesh Sharma, Director, Local Audit Haryana has been filed. The first important aspect to be noticed about the affidavit is that in the application initially filed seeking condonation of delay, prayer was made for condonation of 340 days. However, now the affidavit supports delay of only 330 days in filing the appeal. Meaning thereby that for condonation of ten days delay even the prayer has not been made. When the application had been initially filed, the registry had raised an objection that there was a delay of 339 days in filing the appeal.

A perusal of the aforesaid affidavit now filed seeking condonation of delay of 330 days in filing the appeal and not 340 days (which is the actual period of delay in filing the appeal) admits that the copy of the impugned order passed by this Court on 17.06.2016 was received in the concerned department on July 20, 2016 and thereafter the file was moved like a shuttle cock between different departments none of whom thought it appropriate to take immediate action to file the appeal. Even sanction to file the appeal was finally granted about one year after the order was passed by this Court. Apparently, officers concerned are not aware of the provisions of the Limitation Act, 1963 which prescribe a period of thirty days for filing an intra-court appeal against any order passed by a learned Single Judge in a writ petition.

Considering the aforesaid casual attitude of the department in sleeping over the matter in not filing the appeal within time and after a delay of 340 days, we do not find that any ground is made out to condone the aforesaid huge delay in filing the appeal. The application is dismissed. Consequently, the appeal is also dismissed.

[RAJESH BINDAL]
JUDGE

09.05.2018
shamsher

[DEEPAK SIBAL]
JUDGE

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No