

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

LPA No.1282 of 2018 (O&M)
Date of Decision :23.08.2018

The District Food & Supplies Controller Kurukshetra and another

.....Appellants

Versus

Smt. Sukho Devi and another

..... Respondents

CORAM: HON'BLE MR.JUSTICE KRISHNA MURARI, CHIEF JUSTICE
HON'BLE MR.JUSTICE ARUN PALLI, JUDGE

Present : Mr. Deepak Balyan, Addl. A.G. Haryana,
for the appellants.

KRISHNA MURARI, CHIEF JUSTICE (Oral):

This *intra court* appeal, under clause X of the letters patent, has been filed by the appellants-State of Haryana, challenging the judgment and order dated 22.01.2018, passed by the learned Single Judge dismissing the writ petition directed against the award of the Labour Court. Admittedly, Labour Court passed an award dated 27.05.2014, directing reinstatement of the respondent-workman.

Sole ground pressed before the learned Single Judge was that there was no plea in the demand notice that workman was not gainfully employed or was un-employed.

Learned Single Judge on analyzing the material on record has returned a finding that a specific plea has been raised in paragraph 16 of the demand notice. We further find from perusal of the record that not only in demand notice but in paragraph 8 of the claim statement of the workman it

was specifically pleaded that the workman is unemployed from the date of her termination and she had not been allowed to rejoin her service in spite of several written representations.

In view of the above facts, we do not find any illegality committed by the learned Single Judge in dismissing the writ petition filed by the State. The appeal is devoid of merit and is accordingly dismissed. However, before parting, we wish to record our anguish that not only this appeal but, as has been noticed by us even in the past, the State and its instrumentality have been filing frivolous Letters Patent Appeal, something that ought to have been avoided. In fact we are reminded to refer to the recent decision of the Supreme Court in **Dnyandeo Sabaji Naik and another Versus Pradnya Prakash Khadekar and others (2017) 5 Supreme Court Cases 496**, wherein it was observed: “**the imposition of exemplary costs is a necessary instrument which has to be deployed to weed out, as well as to prevent the filing of frivolous cases. It is only then that the courts can set apart time to resolve genuine causes and answer the concerns of those who are in need of justice. Imposition of real time costs is also necessary to ensure that access to courts is available to citizens with genuine grievances. Otherwise, the doors would be shut to legitimate causes simply by the weight of undeserving cases which flood the system. Such a situation cannot be allowed to come to pass. Hence it is not merely a matter of discretion but a duty and obligation cast upon all courts to ensure that the legal system is not exploited by those who use the forms of the law to defeat or delay**

justice. The Supreme Court commend all the Courts to deal with frivolous filings in the same manner”.

Accordingly, we dismiss the appeal with costs of Rs.25,000/- on appellant No.1. The cost shall be payable by Nishant Rathee, District Food Supplies & Consumer Affairs Controller, Kurukshetra in his personal capacity and shall be deposited in Kerala Relief Fund within 4 weeks from the date of receipt of certified copy of this order. A receipt shall be filed in these proceedings. Learned Addl. A.G. Haryana shall forward a copy of this order to appellant No.1 for compliance. Matter to be listed after two months along with compliance report.

**(KRISHNA MURARI)
CHIEF JUSTICE**

**(ARUN PALLI)
JUDGE**

23.08.2018

Manoj Bhutani

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