

LPA No. 1354 of 2018 (O&M)

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

**LPA No. 1354 of 2018 (O&M)
Date of decision: 22.10.2018**

Baldev Kumar

... Appellant

Versus

State of Haryana and others

... Respondents

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

Present: Mr. Vikas Chatrath, Advocate
for the applicant-appellant.

KRISHNA MURARI, CHIEF JUSTICE (Oral)

This intra-court appeal, under Clause X of the Letters Patent, is directed against the judgment and order dated 22.4.2016, passed by the learned Single Judge, dismissing the writ petition filed by the appellant, challenging his order of termination.

Admittedly, services of the appellant were terminated on the ground that he did not meet the prescribed essential qualification. The office has reported delay and laches of 772 days in re-filing the appeal. The explanation submitted by the applicant-appellant in the application under Section 151 CPC, seeking condonation of delay, is contained in paragraph 3

LPA No. 1354 of 2018 (O&M)

thereof, which reads as under:-

“That appellant-applicant is out of job after the passing of the termination order, therefore, in order to substantiate his claim he moved an application under RTI Act, 2005, in order to gather information from various institutions/departments regarding recognition of certificate of Matriculation issued by Council of Board of School Education, Mohali. In pursuance thereof, documents provided to the appellant-applicant clearly states that persons who have obtained their Matriculation and 10+2 from the Council of Secondary Education Mohali are working in Army, IRP and Navy, Further, universities around the nation have provided information wherein they have recognized the courses being conducted by Council of Board of School Education, Mohali, for purpose of admission into higher studies in the University.”

A perusal of the abovesaid explanation would go to show that the averments are absolutely vague. Neither any disclosure has been made when the application under the Right to Information Act, 2005, was made, nor the date on which the information was received has been disclosed. The averments also do not specify relevance of the documents, which were sought to be obtained under the RTI Act, in the present controversy. In the facts and circumstances of the case, it appears to us that these averments are simply being cooked up just for the purpose of explaining the delay, and thus, would not make sufficient cause to condone the inordinate delay of 772

LPA No. 1354 of 2018 (O&M)

days in re-filing the appeal.

In view of the aforesaid facts, we are not inclined to condone the delay. Thus, the application under Section 151 CPC, seeking condonation of delay of 772 days in re-filing the appeal, is dismissed. As a result, the present appeal also stands dismissed as barred by limitation.

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

October 22, 2018
AK Sharma

Whether speaking / reasoned:	YES
Whether Reportable:	NO