

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

AMIT KUMAR
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LPA No. 1362 of 2018 (O&M)
Date of decision: 16.11.2018

Kulwant Singh

... Appellant

Versus

The State of Punjab and others

... Respondents

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

Present: None for the applicant-appellant.

KRISHNA MURARI, CHIEF JUSTICE (Oral)

CM-3691-LPA-2018 & CM-3692-LPA-2018

No one appeared on behalf of the applicant to press these applications. However, we have perused the record and cause shown to condone the delay is found to be sufficient. Consequently, the delay of 47 days in filing and 33 days in re-filing the accompanying appeal is condoned.

Applications stand disposed of.

LPA No. 1362 of 2018

Case called out. No one has appeared on behalf of the appellant to press this appeal. However, we have perused the record.

This intra-court appeal, under Clause X of the Letters Patent, is directed against the judgment and order of the learned Single Judge, dated 14.12.2017, dismissing the writ petition filed by the appellant-petitioner, seeking a Mandamus to command respondents No.1 to 3 to grant him the benefit of two increments, which were illegally stopped by the department and were subsequently restored by the Senior Sub Judge, vide judgment dated 18.9.1986, exercising the powers under the Payment of Wages Act, 1936.

Learned Single Judge, finding that the order passed by the Senior

Sub Judge was confirmed in a statutory appeal preferred by respondent No.3, vide judgment and order dated 3.1.1987, held that the appellant-petitioner thereafter did not take any steps and filed the writ petition after about three decades, in effect, seeking execution of the order passed on 18.9.1986 by the Senior Sub Judge. There being no explanation for not moving the execution application and approaching this Court after about 30 years, learned Single Judge proceeded to dismiss the writ petition.

Having gone through the record, we are also of the considered opinion that after confirmation of the order passed by the Sub Judge in appeal, it was incumbent upon the appellant-petitioner to have resorted to the execution proceedings in case the order was not being executed, but he slept over his rights and approached this Court after about 30 years. Filing a writ, in fact, was nothing but an effort to execute the aforesaid order.

It is also to be taken note of that the appellant-petitioner retired from service on 31.3.2011 and the petition was filed in 2017. In view of the aforesaid facts and circumstances, we do not find any illegality or infirmity in the view taken by the learned Single Judge in dismissing the writ petition and the impugned order does not call for interference.

The appeal is, thus, devoid of merit and accordingly stands dismissed.

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

November 13, 2018

AK Sharma

Whether speaking / reasoned:

YES

Whether Reportable:

NO