

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

LPA-1736-2018 (O&M)

Date of decision:- 20.11.2018

State of Haryana and others

...Appellants

Versus

Bhagirath and another

...Respondents

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

Present:- Mr. Deepak Balyan, Additional Advocate General, Haryana,  
for the appellants.

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**KRISHNA MURARI, C.J. (ORAL)**

Finding this appeal to be barred by delay and laches of 1233 days and having been filed without there being any plausible explanation contained in Section 5 application and much against the opinion of the Law Officer and the learned Advocate General, Haryana as well as the Legal Remembrancer, Haryana, we thought it fit to require the appellants, who are the concerned officers of the State Government, to appear before us to explain and show cause why the appeal has been filed and why the same may not be dismissed after imposing heavy exemplary cost to be recovered from their pocket. The most important aspect was that two identical connected writ petitions were decided by a common judgement dated 08.05.2015 and in one of them the State Government chose to implement the judgement and the other has been challenged after about four years.

2. In compliance of our order dated 12.11.2018, Mr. S.N. Roy, Additional Chief Secretary to Government of Haryana, Forest Department and Dr. Anil Hooda, Principal Chief Forest Conservator are present in Court. Orally, Mr. S.N. Roy tried to explain law by citing the judgement of the Hon'ble

Apex Court in the case of *Secretary, State of Karnataka and others Vs Umadevi and others* (2006) 4 SCC 1. We did not require their presence to teach us law. Their presence was required to show cause why the appeal may not be dismissed after imposing heavy exemplary cost to be recovered from their pocket. No such explanation has been submitted to us.

3. At this stage, Mr. Deepak Balyan, learned Additional Advocate General, Haryana made a request to permit withdrawal of the appeal. Once a request has been made on behalf of the appellants to withdraw the appeal, we see no good reason not to grant the prayer. The issue still remains as to how these officers who are in the habit of playing with the process of the Court be given a stern message not to take things lightly and approach this Court without any reasonable cause against their own litigation policy and the opinion of the learned Advocate General.

4. So while accepting the prayer made by Mr. Balyan, we permit the appeal to be withdrawn, but only after imposing notional cost of ₹ 50,000/-. Initially, the State Government shall deposit the cost with the Registrar General of this Court, but subsequently it shall be free to recover the same from the pocket of the concerned officers who are appellants in this case and if deemed fit after conduct of an inquiry to fix the responsibility. The cost shall be credited in the account of High Court Employees Association.

(KRISHNA MURARI)  
CHIEF JUSTICE

(ARUN PALLI)  
JUDGE

20.11.2018  
Amodh

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|---------------------------|--------|
| whether speaking/reasoned | Yes/No |
| whether reportable        | Yes/No |