

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

**Sr. No.110**

**LPA No.530 of 2018 (O&M) in  
CWP No.18525 of 2015  
Date of decision: 21.05.2018**

State of Haryana and others

....Appellants

versus

Tej Bhan

....Respondent

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

\* \* \*

Present: Ms. Tanisha Peshawaria, DAG, Haryana.

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**RAJESH BINDAL, J.**

Order passed by the learned Single Judge allowing the respondent's writ petition has been impugned by filing the present intra-court appeal. Alongwith the appeal, applications for condonation of delay of 46 days in filing and 133 days in re-filing of the appeal have also been filed.

Learned counsel for the appellants did not dispute that the case of the respondent for grant of first ACP was to be considered on 01.07.1996 whereas the charge-sheet had been issued to the respondent on 13.05.1999. Undisputedly, on the date, when the case of the respondent for grant of ACP was to be considered, there were no disciplinary proceedings pending against him, hence, the benefit could not be denied to the respondent. The learned Single Judge corrected the error committed by the appellants.

However, considering the fact that there was delay in filing the writ petition and the respondent is still in service, the arrears have already been restricted to 38 months prior to the date of filing of the writ petition.

We do not find any error in the order passed by the learned Single Judge. The appeal is, accordingly, dismissed. Consequently, the applications for condonation of delay in re-filing and filing of the appeal are also dismissed.

**(Rajesh Bindal)**  
**Judge**

**(Deepak Sibal)**  
**Judge**

**May 21, 2018**  
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|---------------------------|--------|
| Whether speaking/reasoned | Yes    |
| Whether reportable        | Yes/No |