

**LPA No. 586 of 2018 (O&M)
and other connected matters**

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

**LPA No. 586 of 2018 (O&M)
Date of decision: 03.04.2019**

State of Punjab and another ... Appellants

Versus

Ranjit Singh ... Respondent

LPA No. 589 of 2018 (O&M)

State of Punjab and another ... Appellants

Versus

Anil Kumar Sharma and others ... Respondents

LPA No. 590 of 2018 (O&M)

State of Punjab and another ... Appellants

Versus

Gulshan Singh Madan and others ... Respondents

LPA No. 661 of 2019 (O&M)

State of Punjab and another ... Appellants

Versus

Hem Raj Kalsi and others ... Respondents

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

Present: Mr. Avinit Avasthi, AAG, Punjab.

**Mr. Kunal Mulwani, Advocate,
for the respondents.**

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KRISHNA MURARI, CHIEF JUSTICE (Oral)

Vide this order and judgment, we shall decide a bunch of four appeals preferred by the State of Punjab, under Clause X of the Letters Patent. LPA Nos. 586, 589 and 590 of 2018 are directed against the judgment and order of even date, i.e. 29.11.2013, whereas, LPA No.661 of 2019 is directed against the order dated 24.9.2018. However, for the facility of reference, facts are being derived from LPA No. 586 of 2018.

The order impugned is a very short order, which reads as under:-

*“Counsel for the parties agree that the case is covered on all fours by the judgment passed by this Court in **Civil Writ Petition No.4144 of 1978 (K.K.Mehta and another Vs. The State of Punjab and another)**, decided on 30.7.1979.*

The present writ petition is allowed in the same terms.

However, arrears shall be restricted to three years and two months prior to the date of filing of the writ petition.

Thereafter, a review application was filed by the State of Punjab with the averments that the case was not covered by any judgment and it was on account of some omission and mistake, such a statement was made. The learned Single Judge, after analyzing pleadings of the parties and the judgment itself, dismissed the review application by observing, as under

“.....However, keeping in view the pleadings of the parties and on going through the said judgment, this court is of the considered view that the case of the petitioners is

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covered by the said judgment and, therefore, no ground for recall of the order dated 08.07.2014 is made out. The application stands dismissed.”

After dismissal of the review applications, these appeals have been preferred. Though, in LPA Nos. 586, 589 and 590 of 2018, the office has calculated the delay from the date of the judgment passed on the writ petition, but even from the date of review, these appeals do not seem to be within time. Office has also reported delay and laches of 107 days in filing LPA No. 661 of 2019, thus, all the four appeals are barred by limitation. However, without entering into this question, the appeals are not maintainable, since the impugned order(s) is based on the concession given by the learned counsel appearing for the State of Punjab. However, in LPA No. 661 of 2019, learned Single Judge has categorically discarded the submission made by learned State counsel that the case was not covered, as the issue attained finality.

We are really surprised at the attitude of the officials of the State of Punjab. We have experienced that appeals are being filed without any application of mind. When learned counsel appearing for the State is put to a question, as to how an appeal against an order giving concession and that too a legal concession that the issue is squarely covered by another order, is maintainable, he has no answer. Factually also, it has not been disputed by him that the issue raised in the judgment(s) was covered by the judgment on which reliance was placed by the learned Single Judge. This attitude of the officials of the State of Punjab is deplorable. The process of this Court cannot be permitted to be played by the litigants and more so

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when it is a State.

In the circumstances, we do not find any infirmity in the impugned judgments. No illegality or error is reflected from the impugned orders and judgments, which may require interference.

The appeals are, thus, devoid of merit and accordingly stand dismissed.

**(KRISHNA MURARI)
CHIEF JUSTICE**

**(ARUN PALLI)
JUDGE**

April 03, 2019

AK Sharma

Whether speaking / reasoned:
Whether Reportable:

YES
NO