

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CM-3274-LPA-2019 in/and
LPA No.1487 of 2019 (O&M)
Date of Decision : 27.01.2020

State of Haryana and others

.....Applicant/Appellants

Versus

Uma Devi and others

..... Respondents

CORAM: HON'BLE MR.JUSTICE RAVI SHANKER JHA, CHIEF JUSTICE
HON'BLE MR.JUSTICE ARUN PALLI, JUDGE

Present : Mr. Deepak Balyan, Addl. A.G. Haryana.

ARUN PALLI, J.:

This is an application under Section 5 of the Limitation Act seeking condonation of delay of 1434 days in filing the accompanying Letters Patent Appeal.

Having examined the averments set out in the application we are of the considered view that explanation tendered to justify the delay that occurred in filing the appeal does not constitute a sufficient cause. Rather, upon an advice sought from the Office of the Advocate General as also the Legal Remembrance respectively it was opined that matter was not fit for appeal.

We must also point out that vide impugned judgment, the learned Single Judge, while placing reliance upon the decision of this Court in **CWP No.6586 of 2008 (Shyam Kumar Vs. State of Haryana and others)** decided on 24.07.2009, had allowed the writ petition filed by the respondents. Particularly, for, the decision in **Shyam Kumar (supra)** was

affirmed in LPA and subsequently even the Special Leave Petition against the said decision was dismissed by the Supreme Court on 21.04.2011.

For, the impugned judgment was rendered by the learned Single Judge almost 4 years ago, upon being asked, learned State counsel fairly states that the same has been implemented and a speaking order dated 12.08.2016, in compliance of the judgment has since been passed by the Director, Elementary Education, Haryana.

In the wake of the above, we are choice-less but to dismiss the application, which is bereft of merit. And, it is so ordered.

Consequently, the appeal is also dismissed.

(RAVI SHANKER JHA)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

27.01.2020

Manoj Bhutani

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No