

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

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**CR-3036-2021(O&M)
Date of Order: 17.02.2022**

**HARYANA STATE AGRICULTURE MARKETING BOARD AND
ANR**

..Petitioners

Versus

SUMER SINGH AND ANR

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Padamkant Dwivedi, Advocate
for the petitioner(s).

Mr. N.C. Kinra, Advocate
for respondent No.1.

Mr. Gurpreet Jayia, Advocate
for Mr. Jagdish Manchanda, Advocate
for respondent No.2.

ANIL KSHETARPAL, J(Oral)

The First Appellate Court while refusing to condone the delay of 202 days in filing the appeal, has dismissed the first appeal. The trial Court has passed a decree directing the petitioner to count the period from 20.04.1979 to 31.12.1992, as qualifying service for computation of retiral benefits and other benefits. The respondent has also been held entitled to grant of Assured Career Progression increment etc.

The petitioner herein is a Board, completely owned and managed by the Government. It has been asserted that the file remained pending at the desk of various officials due to procedural redtape. The First Appellate Court while taking a narrow view of the matter has refused to condone the delay and has, consequently, dismissed the appeal. The first appeal against a judgment and decree passed by the trial Court is an important right. Efforts must be made by the Appellate Court to decide the

appeal on merits so as to give an opportunity to the appellant to get the matter adjudged on re-appreciation of facts when, prima facie, a sufficient cause has been shown by the petitioner. The First Appellate court could have condoned the delay, subject to some cost so as to reimburse the plaintiff who is a retired employee of the petitioner-Board, keeping in mind, the interest of justice.

Keeping in view the aforesaid facts, the delay of 202 days in filing the appeal is condoned, subject to the payment of cost of Rs.20,000/- to the plaintiff. The cost shall be paid by way of a demand draft. The payment of cost shall be a condition precedent for restoration of the first appeal.

The parties through their counsel are directed to appear before the First Appellate Court on 17.03.2022.

The First Appellate Court is requested to dispose of the appeal on merits within a period of six months.

All the pending miscellaneous applications, if any, are also disposed of.

February 17th, 2022

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**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No