

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

224

**LPA-2285-2017 (O&M)
Decided on : 16.05.2022**

State of Haryana and others

.....Appellants

Versus

Pinky and another

.....Respondents

**CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA
HON'BLE MR.JUSTICE VIKAS SURI**

Present: Mr. Rajesh Gaur, Addl. AG, Haryana
for the appellants.

Ms. Sukriti Kaur, Advocate for
Mr. Anil Mehta, Advocate for the respondent.

G.S. Sandhawalia, J. (Oral)

Challenge in the present letters patent appeal, which is barred by 265 days, is to the order of the learned Single Judge dated 28.11.2016 passed in **CWP No.14874 of 2009** filed by the respondent herein.

The learned Single Judge had passed the order on the basis of an earlier order dated 07.11.2016 passed in **CWP No.12717 of 2009 'Saroj & another Vs. State of Haryana and others'**. A coordinate Bench in **LPA No.1785 of 2017** dismissed a similar time barred appeal with costs of Rs.25,000/- to be paid by the State. The order dated 21.03.2018 reads as under:-

“The learned Single Judge has disposed of the writ petition on the basis of an earlier precedent **Smt. Saroj and another v. State of Haryana and others**. Both the counsel for the appellants and that of the respondent were ad idem on this aspect yet this appeal has been filed and no meaningful argument has been advanced. We are thus of the opinion that the appeal is totally frivolous and has resulted in sheer wastage of time of the

Court. The same is dismissed with costs of Rs.25,000/- to be deposited in the account of the Punjab and Haryana High Court Employees' Welfare Association, Chandigarh within one month.

Apart from this, the appeal is also barred by an inordinate delay of 203 days which we do not intend to condone in the absence of any plausible explanation.

Dismissed.”

The view taken by the learned Single Judge is on the basis of the rules as such dated 01.08.2006, wherein on account of death of the employee, the family member is entitled for the benefit of the financial assistance for a sum equal to the pay and other allowances last drawn by the employee. The period has been specified in Clause (a) (b) and (c) of Rule 5 of the Haryana Compassionate Assistance to the Dependents of Deceased Government Employees Rules, 2006. In such circumstances, the writ petition had been allowed by setting aside the order dated 27.02.2008 (Annexure P-3) by noting that the husband of the petitioner had died on 26.08.2004 while serving as a Constable in the Police Department, Haryana.

Once the principle view has not been challenged, we are of the considered opinion that no case is made out to allow the State to agitate in subsequent matters having accepted the view on an earlier occasion. Even otherwise the appeal is barred by 265 days and costs had also been imposed by the coordinate Bench in a similar matter. We are of the opinion that there is no merit in the

present appeal itself and also on account of delay, which is not liable to be condoned, as sufficient cause is not made out as even the office of the Advocate General, Haryana had opined that it was not a fit case for filing an appeal. Resultantly, both the appeal and the application for condonation of delay in filing the appeal are dismissed.

(G.S. SANDHAWALIA)
JUDGE

May 16, 2022
Naveen

(VIKAS SURI)
JUDGE

Whether speaking/reasoned :

Yes/No

Whether Reportable :

Yes/No