

2023:PHHC:154323
**146 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

RSA-3542-2023 (O&M)
Date of decision: 04.12.2023

Punjab State Power Corporation Ltd. and another

....Appellants

Versus

Urmila Devi

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Dhruv Walia, Advocate for the appellants

ANIL KSHETARPAL, J (Oral)

CM-12689-C-2023

1. For the reasons stated in the application, delay of 194 days in refiling the appeal is condoned.
2. CM stands allowed.

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3. For the reasons stated in the application, delay of 265 days in filing the appeal is condoned.
4. CM stands allowed.

Main case

5. Heard the learned counsel representing the appellants at length and with his able assistance perused the paperbook.
6. Learned counsel representing the appellants does not challenge the correctness of the findings of fact arrived at by the courts below while setting aside the penalty of dismissal from

service of late Sh.Harman Singh (deceased husband of the respondent). However, he submits that the relief of solatium with special pension upto the date of his superannuation could not be granted.

7. On a Court question, the learned counsel representing the appellants very fairly admits that before the courts below, no objection in this regard was taken by the appellants either in the pleadings or in the evidence led by them. He also admits that this issue was also not pressed at the time of arguments.

8. While hearing the Regular Second Appeal, the High Court is not expected to entertain absolutely new ground, which has neither been taken up in the pleadings nor in the arguments.

9. Keeping in view the aforesaid facts, no ground to interfere is made out.

10. Hence, dismissed.

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

04.12.2023

rekha

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE