

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

CM-4530-LPA-2017 in/and
LPA-2069-2017
Date of Decision:13.04.2023.

RAJ KUMAR

...PETITIONER

VS

STATE OF PUNJAB AND ORS.

...RESPONDENTS

**CORAM:- HON'BLE MR. JUSTICE M.S. RAMACHANDRA RAO
HON'BLE MRS. JUSTICE SUKHVINDER KAUR**

Present: Mr. S.S. Swaich, Advocate for the appellant.

Mr. Gurpreet Singh, Additional A.G., Punjab.

M.S. RAMACHANDRA RAO, J. (ORAL)

CM-4530-LPA-2017

This is an application under Section 5 of the Limitation Act for condonation of delay of 284 days in filing the present Appeal.

The said delay occurred because after the judgment was pronounced by the learned Single Judge on 30.11.2016, the applicant-appellant had moved a review application bearing RA-CW No.70 of 2017 which was dismissed on 14.09.2017, and only after the review application is dismissed, this Appeal came to be filed.

Since, the applicant-appellant had waited for the review application to be decided before filing the appeal, we find that there is sufficient cause to condone the said period of delay.

Accordingly, this present application is ordered.

LPA-2069-2017

Heard both sides.

Learned counsel for the State has placed on record the order dt. 12.04.2023 passed by the Commandant, 13th Battalion, PAP, Chandigarh stating that the period the appellant remained of service i.e. 06.01.2000 to 16.10.2009 be treated as “on duty” period for all purpose. This order he ought to have passed at the time when the appellant was reinstated in service on 16.10.2009.

Therefore, the LPA is disposed of directing the respondents to pay the pay and other allowances for the said period within 08 weeks to the appellant with interest at 6% per annum from 16.10.2009 till the date of an actual payment.

Accordingly, the present Letters Patent Appeal is disposed of.

(M.S. RAMACHANDRA RAO)
JUDGE

(SUKHVINDER KAUR)
JUDGE

13.04.2023
priyanka

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