

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

LPA-1195-2022 (O & M)
Date of Decision: 04.01.2023

Punjab State Power Corporation Ltd. and anotherAppellant(s)

Versus

Rajinder Singh and anotherRespondent(s)

**CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA
HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN**

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

G.S.SANDHAWALIA, J. (Oral)

CM-2886-LPA-2022

Application for condonation of delay of 60 days in filing the appeal is allowed, in view of averments made in the application supported by affidavit of the official of the appellant.

Delay of 60 days in filing the appeal is condoned.

CM stands disposed of.

LPA-1195-2022 (O & M)

Challenge in the present letters patent appeal is to the order passed by the learned Single Judge dated 16.08.2022 in CWP No. 17806 of 2022, Rajinder Singh vs. State of Punjab and others.

A perusal of the said order would go on to show that the learned Single Judge has only directed consideration of the legal notice dated 13.05.2022 (Annexure P-4) as a representation and to decide the same in accordance with law keeping in view the judgment passed in CWP No. ***32598 of 2019, Gurdev Singh and others vs. State of Punjab and others*** decided on 16.03.2022. The same has been directed to be done within a prescribed period of 2 months and if the entitlement is there and if no legal

impediment was there, release of payment to be done as per law.

In our considered opinion, the discretion lies with the authority as to how it has to act and the decision making is to be done by them. The learned Single Judge has not decided the matter on the merits as such and, therefore, there is no occasion to entertain the present appeal. In such circumstances, we do not find any ground to call upon the writ petitioner whose prayer for issuance of a writ of mandamus has been allowed for consideration of the legal notice. Accordingly, we do not find any ground to entertain the present appeal and the same is dismissed in *limine*.

(G.S. SANDHAWALIA)
JUDGE

04.01.2022
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(HARPREET KAUR JEEWAN)
JUDGE

Whether reasoned/speaking	Yes
Whether reportable	No