

2023:PHHC:163884
113 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CM-17337-C-2018
in/and
RSA-6194-2018 (O&M)
Date of decision: 20.12.2023

M/s Punjab State Civil Supplies Corporation Ltd and another

....Appellants

Versus

Parkash Singh

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Deepak Gupta, Advocate for
Mr. Avi Karam Bansal, Advocate for the appellants

Mr. P.K.Bansal, Advocate for the respondent

ANIL KSHETARPAL, J (Oral)

1. This Regular Second Appeal has been filed alongwith an application for condonation of delay of 1091 days in filing the appeal. On a careful reading of para 3 of the application, it is evident that the appellant has stated that it was the duty of the Field Officer to keep track of such cases. The appellant claims knowledge of the decision on the receipt of the copy of the notice of the execution petition. A detailed reply to the application has been filed. In this case, the delay is colossal. The appellant has failed to properly explain the huge delay of 1091 days.

2. Both the courts have decreed the suit filed by the plaintiff for the grant of decree of declaration that the order dated 06.03.2003, passed by the Managing Director of the Punjab State

CM-17337-C-2018

in/and

2

2023:PHHC:163884

RSA-6194-2018 (O&M)

Civil Supplies Corporation Limited punishing the respondent with penalty of withholding of two increments with future effect, the recovery of Rs.836.22 and order dated 30.07.2004 whereby the request of the plaintiff to release the remaining 50% wages has been rejected, as illegal, null and void.

3. While filing the application to condone the delay of more than 1000 days, the appellant is required to elaborate the appropriate steps taken by the competent authority before taking the decision to file the appeal. As per Section 5 of the Limitation Act, 1963, the applicant is required to prove that he or she was unable to file the appeal within the prescribed time period for justifiable or sufficient reasons. In this case, attention of the Court has not been drawn to any such reason that would entitle the appellant for condonation of delay in filing the appeal.

4. Hence, the application for condonation of delay as well as the appeal stand dismissed.

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

20.12.2023

rekha

(ANIL KSHETARPAL)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No