

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**141****CR No.419 of 2024 (O&M)
Date of Decision : 23.01.2024**

State of Haryana and Others

....Petitioners

VERSUS

Sumer Singh

....Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Saurabh Girdhar, AAG Haryana for the petitioners.

ALKA SARIN, J. (Oral)

1. The present petition has been preferred by the State of Haryana against the order dated 27.09.2022 passed by the District Judge, Narnaul dismissing the application filed by the petitioners for condonation of delay in filing the appeal.

2. The brief facts relevant to the present *lis* are that the plaintiff-respondent had filed a civil suit for declaration to the effect that he was entitled to notional promotion from the deemed date with fixation notionally and granting arrears of pay from actual date of promotion according to FD notification FD-1/15/2003-2PR(FD) dated 27.11.2006 and further modified from time to time and accordingly to fix the pay of general category employees at par with their juniors of reserve category, who have regained seniority over the general category employees with interest @ 18% per annum and costs. The said suit was contested by the petitioners herein and the same was decreed vide judgment and decree dated 28.08.2017. The

petitioners herein chose not to challenge the said judgment and decree in appeal. The plaintiff-respondent filed an execution. In the execution replies were filed by the petitioners/JDs and objections were also filed under Section 47 of the Code of Civil Procedure, 1908 and subsequently, on 17.08.2022, an appeal was preferred along with an application for condonation of delay of over five years. The First Appellate Court vide the impugned order dated 27.09.2022 dismissed the said application as the delay was unreasonable, unexplained and inordinate. Hence, the present revision petition.

3. Learned State counsel for the petitioners would contend that the delay was not intentional and that it was only later that the Department realized that the instructions of 2006 would not be applicable to the plaintiff-respondent.

4. Heard.

5. In the present case the plaintiff-respondent had retired on 31.05.1997 and the suit was filed only for grant of notional fixation of seniority and payment of arrears. Since 1997 the plaintiff-respondent has been running in circles in order to get his dues. The petitioners herein had contested the suit and were well aware of the proceedings. Even before the Executing Court replies were filed and so were objections under Section 47 of the Code of Civil Procedure, 1908. Neither from the present petition nor before the First Appellate Court any cogent reason was forthcoming for the inordinate and extraordinary delay in filing the appeal. Even the order impugned in the present petition was passed on 27.09.2022 and the present petition was filed on 13.12.2023 i.e. after a lapse of more than a year.

6. In view of the above, I do not find any merits in the present revision petition and the same is accordingly dismissed. Pending applications, if any, also stand disposed off.

23.01.2024
jk

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO