

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(112)

CWP No. 8079 of 2024

Date of Decision : 09.04.2024

Subhash Kumar

...Petitioner

Versus

Haryana Vidhan Sabha and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. R.K. Malik, Senior Advocate with
Mr. Kartikey Chaudhary, Advocate for the petitioner.

Harsimran Singh Sethi J. (Oral)

1. In the present petition, the challenge is to the order dated 04.01.2023 (Annexure P-2) by which the statutory appeal filed by the petitioner has been dismissed on the ground that the said appeal is time barred.
2. Learned senior counsel appearing on behalf of the petitioner argues that the petitioner had filed an appeal against the order dated 15.06.2017 passed by the respondents by which, the petitioner was dismissed from service, which appeal preferred in the year 2022 has been dismissed as time barred, which is arbitrary and illegal.
3. On being asked to point out the period of limitation provided for filing the statutory appeal, the learned senior counsel conceded the fact that the period of limitation is 45 days from the date of passing of the

order. Learned senior counsel submits that at the time when the order was passed, the mother of the petitioner was not well and thereafter, the petitioner was not well and thereafter, due to the pandemic of Covid-19, the petitioner could not file the appeal, which fact had not been considered by the respondents while dismissing the appeal.

4. I have heard learned senior counsel for the petitioner and have gone through the record with his able assistance.

5. The limitation for filing an appeal has been provided in the statute itself and the same is 45 days. Nothing has been shown to this Court that the period of limitation provided for filing an appeal can be extended or condoned. In the absence of any power to condone the limitation to file an appeal, it cannot be said that the appeal filed with the application seeking condonation of delay can be allowed.

6. Even otherwise, the reasons being mentioned for not filing the appeal for a period of 05 years is only that the petitioner's mother was not well. Nothing has come on record that the illness of mother restrained the petitioner in any manner for filing the appeal. That being so, no ground is made out for any interference by this Court in the facts and circumstances of the present case with the impugned order dated 04.01.2023 (Annexure P-2).

7. Dismissed.

April 9th, 2024
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No