

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

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2024:PHHC:043808-DB

LPA-1154-2023 (O & M)
Date of Decision: 02.04.2024

Sunil Kumar and others

.....Appellant(s)

Versus

State of Haryana and others

....Respondent(s)

**CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA,
ACTING CHIEF JUSTICE
HON'BLE MS. JUSTICE LAPITA BANERJI**

Present: Mr. Ravinder Malik (Ravi), Advocate,
for the appellants.

Mr. Deepak Balyan, Addl. A.G., Haryana.

G.S.SANDHAWALIA, ACTING CHIEF JUSTICE (Oral)

CM-2948-LPA-2023

1. Application for condonation of delay of 19 days in refiling the appeal is allowed, in view of averments made in the application supported by affidavit.
2. Delay condoned.
3. CM stands disposed of.

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4. Consideration in the present letters patent appeal is to the order dated 05.05.2023 passed by the learned Single Judge in RA-CW-431-2019 in CWP-11853-2016 by the writ petitioners.
5. The learned Single Judge allowed the review application of the State after condoning the delay of 557 days in the presence of the counsel for the appellants. While allowing the review application, the order dated 15.03.2018 was recalled mainly on the ground that even the written statement had not been filed. Therefore, the learned Single Judge found it expedient and appropriate to

recall the order since the State had objected that the matter was not covered and

had been earlier disposed of in terms of order passed in *CWP-7767-2016, Birender Singh and others vs. State of Haryana and others.*

6. The reasoning as such given by the learned Single Judge cannot be faulted in any manner since the matter in Birender Singh was a bunch matter of 11 cases and, therefore, the State chose to get it rectified by filing the review application. The issue is regarding the grant of refixation of pay which could be as such disposed of in a bunch since the issue would be of dates of joining and the rights as such would have accrued on different dates to different employees.

7. In such circumstances, the learned Single Judge has rightly reviewed the order dated 15.03.2018 and put the writ petition for fresh hearing after completion of pleadings. Accordingly, the present letters patent appeal stands dismissed. All pending applications including CM-2949-LPA-2023 for leading additional evidence also stand disposed of.

(G.S. SANDHAWALIA)
ACTING CHIEF JUSTICE

02.04.2024
shivani

(LAPITA BANERJI)
JUDGE

Whether reasoned/speaking	Yes
Whether reportable	No