

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Neutral Citation No. 2024:PHHC:046140-DB

(104)

LPA-1932-2023

Decided on : 05.04.2024

Vinder Singh

.....Appellant(s)

Versus

Union of India and others

.....Respondent(s)

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

Present:- Mr. Ashok Bhardwaj, Advocate for the appellant.

Mr. Bharat Bhushan Sharma, Sr. Panel Counsel
for the respondent-UOI.

G.S. Sandhawalia, Acting Chief Justice (Oral)

CM-4830-LPA-2023

Application for condonation of delay of 49 days in re-filing the appeal, is allowed, in view of the averments made in the application, duly supported by affidavit of the counsel. Delay of 49 days in re-filing the appeal is condoned.

CM stands disposed of.

LPA-1932-2023 (O&M)

The present letters patent appeal which is patently barred by as many as 1922 days is directed against the judgment of the learned Single Judge dated 21.04.2018 passed in **CWP No.9677 of 2018**.

2. It is a classic case of delay, negligence and indolence on account of the appellant. The initial writ petition was also barred having been filed after 14 years, as the order dated 12.05.2004 (Annexure P-7) was under challenge before the learned Single Judge, whereby the writ petitioner's case of re-enlistment in service as per revised CISF Rules had been rejected. The

learned Single Judge dismissed the writ petition while placing reliance upon the judgment of the Apex Court in **State of Jammu & Kashmir Vs. R.K. Zalpuri and others, (2015) 155 SCC 602**. In spite of that the present appeal has been filed, which is again barred by 1922 days. The only reason for delay was that counsel could not be engaged on account of shortage of funds. The said explanation does not inspire any confidence, keeping in view that there is a well established system of free legal aid in the High Court. If the appellant wanted to avail the facility of free legal aid, he could have done so.

3. Resultantly, keeping in view the law laid down by the Apex Court in **Oriental Aroma Chemical Industries Ltd. Vs. Gujarat Industrial Development Corporation & another, (2010) 5 SCC 459**, **Esha Bhattacharjee Vs. Managing Committee of Raghunathpur Nafar Academy & others, (2013) 12 SCC 649** and **Office of the Chief Post Master General and others Vs. Living Media India Ltd. And another, (2012) 3 SCC 563**, we do not see any reason to consider the case on merits and also keeping in view the fact that indulgence is not liable to be granted to such a person who is grossly negligent and not interested in pursuing his remedy.

Resultantly, there is no merit in the present letters patent appeal and both the appeal and application for condonation of delay stands dismissed.

(G.S. SANDHAWALIA)
ACTING CHIEF JUSTICE

(LAPITA BANERJI)
JUDGE

05.04.2024

Naveen

Whether speaking/reasoned :

Yes

Whether Reportable :

No