

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(107)

LPA-472-2024 (O&M)

Decided on : 22.04.2024

Manmohan Kumar

.....Appellant(s)

Versus

State of Haryana & others

.....Respondent(s)

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

Present: Mr.Baldev Singh Sodhi, Advocate
Mr.Sukhcharan Singh Sahoke, Advocate for the appellant (s).

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

1. Consideration in the present appeal, which is barred by 2560 days in filing, is to the judgment dated 16.11.2016 of the Learned Single Judge passed in CWP-18743-2011.

2. The reason given in the application for condonation of delay is that the appellant is a poor person and could not engage a counsel and therefore, the delay is sought to be condoned.

3. A perusal of the paperbook would go on to show that rather after the writ petition had been dismissed, the appellant chose to file a second writ petition on the same cause of action bearing CWP-9555-2023 seeking appointment as Class-IV employee, i.e. Peon/Chowkidar on the basis of compassionate grounds on account of his father having expired on 10.06.2002. Vide the impugned order, the Learned Single Judge had granted the amount of ex-gratia amount to the mother on account of the fact that the family was pressing for compassionate appointment. It was noticed that the present appellant was married and settled and the mother had a case for financial assistance in terms of the Haryana Compassionate Assistance to the Dependents of the Deceased Government Employees Rules, 2006.

4. Sufficient cause though being an elastic term, cannot be extended to the extent the appellant has chosen to. Apparently, the cause was on account of the financial difficulty whereas the writ petition had been filed on the same cause of action after a period of 7 years and was dismissed on 31.07.2023 as not pressed to avail the remedy in the facts and circumstances. In such circumstances, we are of the considered opinion that sufficient cause sought to be made out is also not correct. Once the writ petition was dismissed on 16.10.2016, the appellant has also chosen to sleep over the same. Thus no case is made out for the indolent attitude of the appellant.

5. Resultantly, in view of the above discussion, the application seeking condonation of delay in filing the appeal is dismissed. Consequently, the main appeal as well as all pending application(s) along with application for condoning the delay in re-filing the appeal also stand dismissed.

(G.S. SANDHAWALIA)
ACTING CHIEF JUSTICE

22.04.2024
Sailesh

(LAPITA BANERJI)
JUDGE

Whether speaking/reasoned :	Yes	
Whether Reportable :		No