
(2016) 05 SHI CK 0117
In the High Court Of Himachal Pradesh
Case No : LPA No. 86 of 2016

State of H.P.

APPELLANT

Vs

Yashpal Dhiman

RESPONDENT

Date of Decision : 31-05-2016

Acts Referred:

Limitation Act, 1963 — Section 5

Citation : (2016) ILRHP 1564

Hon'ble Judges : Mr. Mansoor Ahmad Mir, C.J. and Mr. Tarlok Singh Chauhan, J.

Bench : Division Bench

Advocate : Mr. Shrawan Dogra, Advocate General, with Mr. Mr. Anup Rattan and Mr. Romesh Verma, Addl.A.Gs. and Mr. J.K. Verma, Dy.A.G, for the Appellants; Mr. Surender Saklani, Advocate, for the Respondent

Final Decision : Dismissed

Judgement

Mr. Mansoor Ahmad Mir, C.J.(Oral)—CMP(M) No. 1410 of 2015 & LPA No. 86 of 2016

The applicants/appellants have filed the application for condonation of delay of 2 years, 9 months and 27 days, which has crept-in, in filing the Letters Patent Appeal, on the grounds taken in the memo of limitation petition.

2. The applicants/appellants have not given any explanation as to how the delay of almost three years has occurred in filing the appeal. It appears that the concerned Department remained in deep slumber and filed the instant application without any explanation.

3. However, we have gone through the impugned judgment. It appears that the writ respondents (appellants herein) were in contempt for the reason that they had not complied with the directions passed by this Court vide judgment dated 23rd December, 2010. It has been observed by the learned Single Judge in paragraph 2 of the impugned judgment that the writ respondents had not taken into consideration the recommendations made by the review Departmental

Promotion Committee read with the said judgment. It appears that the appellants have filed the instant appeal just to give a slip to the said facts. The learned Single Judge has rightly made discussion in paragraphs 2 to 4 of the impugned judgment, requires no interference.

4. Having said so, there is no merit in the limitation petition as also the Letters Patent Appeal. Viewed thus, the limitation petition is dismissed and consequently, the Letters Patent Appeal is also dismissed as time barred. Pending CMPs, if any, also stand dismissed of.