



219 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CM-960-LPA-2023 in/and
LPA-338-2023 (O&M)
Date of Decision: 02.07.2025

Secretary Ministry of Health and Family Welfare & others ...Appellants

Vs.

Harish Chand and others ...Respondents

**CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA
HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA**

Present: Mr. Himanshu Malik, Advocate for the appellant.
Mr. J.S. Rana, Advocate for respondents No.1 to 7.

SANJEEV PRAKASH SHARMA, J. (Oral)

CM-960-LPA-2023

1. After having considered the contents of the application for condonation of delay, we are satisfied that the delay has occurred at the behest of the employees of the CGHS, who were employed in the department and on account of them, the LPA could not be filed within time.

2. We are aware of the fact that a department is run by its employees who are responsible for day to day functioning, otherwise the appellant is an abstract body. In the circumstances, where the employees themselves use the provisions of law in a manner so that proceedings may not be taken up in appeal, we find that the reasons are sufficient enough to condone the delay of 1182 days in filing the appeal.

3. In view thereof, the application is allowed and delay of 1182 days in filing the appeal is condoned.

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4. We find that the notices were issued in appeal to the respondents and they have already put in appearance through their counsel. It is the

specific case of the appellant that the letter which has been made the basis for allowing the writ petition by the learned Single Bench was actually a draft letter prepared by one of the writ petitioners namely Gurteg Singh. The contents have been referred to in para 4(e) of the memo of appeal. Copy of the memo of appeal was already provided to the respondents, who have not filed any reply nor they have denied the said averments. Moreover, on perusal of the approval letter dated 17.12.2015, we find that the change made in the draft letter dated 04.11.2015, mentioning regularization w.e.f 04.11.2015, has been affirmed. In the circumstances, the decision rendered by the learned Single Bench cannot be sustained in law.

5. Even otherwise, the law is well settled that regularization cannot be made from the initial date of appointment, more so, the appointments are not in accordance with law as laid down for regularization. Hence, the order passed by the learned Single Bench dated 22.11.2019, is set aside.

6. We also notice at this stage that the respondents have already been regularized, therefore, no further directions are required to be passed. The appeal is accordingly allowed.

7. No costs.

8. All pending misc. application(s) also stand disposed of.

(SANJEEV PRAKASH SHARMA)
JUDGE

(MEENAKSHI I. MEHTA)
JUDGE

02.07.2025
rajesh

1. Whether speaking/reasoned?	:	Yes/No
2. Whether reportable?	:	Yes/No