



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)
(ITANAGAR BENCH)

Case No. : IA(C)/77/2021

THE STATE OF AP
REPRESENTED BY THE CHIEF SECRETARY,
GOVT. OF ARUNACHAL PRADESH 2: THE PRINCIPAL SECRETARY
(VIGILANCE)

Age:

Occupation :

GOVT. OF ARUNACHAL PRADESH
ITANAGAR

3: THE PRINCIPAL SECRETARY (PERSONNEL)

Age:

Occupation :

GOVT.OF ARUNACHAL PRADESH
ITANAGAR

4: THE DEPUTY COMMISSIONER

Age:

Occupation :

DISTRICT- PAPUM PARE
YUPIA

5: THE UNDER SECREATRY (VIGILANCE)

Age:

Occupation :

GOVT.OF ARUNACHAL PRADESH
ITANAGAR

6: THE DEPUTY SUPERINTENDENT OF POLICE-CUM-OFFICER-IN CHARGE
SIC (VIGILANCE)

Age:

Occupation :

DISTRICT-PAPUM PARE
PS-CHIMP

VERSUS

A.C BAURUAH
S/O- Late Debeswar Baruah
R/O- Pomkia Village
P.S- Golaghat,
District-Golaghat, Assam

Advocate for the Petitioner : Ojing Pada

Advocate for the Respondent : Taba Tagum

Linked Case : IA(C)/78/2021

The State of AP and Others

Age: 0

Occupation :

Address:REPRESENTED BY THE CHIEF SECRETARY
GOVT OF ARUNACHAL PRADESH

2: THE PRINCIPAL SECRETARY (VIGILANCE)

Age: 0

Occupation :

Address:GOVT. OF ARUNACHAL PRADESH ITANAGAR

3: THE PRINCIPAL SECRETARY (PERSONNEL)

Age: 0

Occupation :

Address:GOVT.OF ARUNACHAL PRADESH
ITANAGAR

4: THE DEPUTY COMMISSIONER

Age: 0

Occupation :

Address:DISTRICT- PAPUM PARE YUPIA

5: THE UNDER SECREATRY (VIGILIANCE)

Age: 0

Occupation :

Address:GOVT.OF ARUNACHAL PRADESH
ITANAGAR

6: THE DEPUTY SUPERINTENDENT OF POLICE-CUM-OFFICER-IN CHARGE

SIC (VIGILANCE)

Age: 0

Occupation :

Address:DISTRICT-PAPUM PARE PS-CHIMPU
VERSUS

A.C Bauruah

Age: 0

Occupation :

Address:Address - S/O- Late Debeswar Baruah R/O- Pomkia Village P.S- Golaghat
District-Golaghat
Assam

Advocate for : Ojing Pada

Advocate for : Taba Tagum appearing for A.C Bauruah: Advocate appearing for
respectively.

Linked Case : WA/7/2021

The State of AP and Others

Age: 0

Occupation :

Address:Address - REPRESENTED BY THE CHIEF SECRETARY
GOVT. OF ARUNACHAL PRADESH
2: THE PRINCIPAL SECRETARY (VIGILANCE)

Age: 0

Occupation :

Address:GOVT. OF ARUNACHAL PRADESH ITANAGAR

3: THE PRINCIPAL SECRETARY (PERSONNEL)

Age: 0

Occupation :

Address:GOVT.OF ARUNACHAL PRADESH
ITANAGAR

4: THE DEPUTY COMMISSIONER

Age: 0

Occupation :

Address:DISTRICT- PAPUM PARE YUPIA

5: THE UNDER SECREATRY (VIGILIANCE)

Age: 0

Occupation :

Address:GOVT.OF ARUNACHAL PRADESH
ITANAGAR

6: THE DEPUTY SUPERINTENDENT OF POLICE-CUM-OFFICER-IN CHARGE
SIC (VIGILANCE)

Age: 0

Occupation :

Address:DISTRICT-PAPUM PARE PS-CHIMPU

VERSUS

A.C. Bauruah

Age: 0

Occupation :

Address:Address - S/O- Late Debeswar Baruah R/O- Pomkia Village P.S- Golaghat

District-Golaghat

Assam

Advocate for : Ojing Pada

Advocate for : Taba Tagum appearing for A.C. Bauruah: Advocate appearing for
respectively.

BEFORE
HONBLE MR. JUSTICE NANI TAGIA
HONBLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 09.08.2023

(NaniTagia, J)

Heard Mr. O. Pada, learned counsel for the applicants/appellants.

Also heard Mr. T. Tagum, learned counsel for the sole
respondent/opposite party.

This is an application, under Section 5 of the Limitation Act, 1963, for
condoning the delay of 92 days in filing the connected writ appeal no.
WA/7/2021, preferred against the Judgment and Order, dated 24.11.2020,
passed by the Hon'ble Single Bench of this Court in WP(C)460/(AP)2019.

The learned counsel for the applicant, Mr. O. Pada, however, submits that the delay of 92 days in preferring the connected writ appeal has been incorrectly indicated in the accompanying application; whereas, the delay in preferring the writ appeal is actually 152 days.

The reason for the delay in preferring the connected writ appeal beyond the stipulated period has been explained in *Paragraphs No. 3 to 6* of the application, wherein, it has been stated that after a certified copy of the Judgment and Order dated 24.11.2020, passed in the WP(C)460/(AP)2019 was received by the Department, the said order was forwarded to the Department of Personnel, Govt. of Arunachal Pradesh for appropriate advise and further necessary action. Thereafter, the Department of Personnel, Govt. of Arunachal Pradesh had forwarded the file along with further quarries to the Vigilance Department. Thereafter, the Vigilance Department vide letter dated 20.01.2021 had sought legal opinion from the Special Public Prosecutor (SIC) as to whether there is any need for filling review/or appeal against the said order dated 24.11.2020 passed in the abovementioned writ petition. After the legal opinion was submitted by the Special Public Prosecutor to the Vigilance Department, after due consideration, the State respondent directed the Special Public Prosecutor (SIC) to file a writ appeal against the Judgment and Order dated 24.11.2020. It is due to the aforementioned process that was followed in the Department that the delay of 152 days has occurred.

An objection has been filed by the sole respondent contending that the explanation provided by the applicant in the aforesaid application is not a reasonable and sufficient explanation requiring condonation of delay of 152

days.

Upon hearing the learned counsels appearing for the parties; on perusal of the explanation provided in the application and the objection raised by the opposite party and also in view of the settled position of law laid down by the Hon'ble Supreme Court in a catena of decisions, that the application seeking condonation of delay have to be dealt with by adopting a liberal and justice oriented approach, we are of the considered view that the delay of 152 days in preferring the connected writ appeal be allowed.

Accordingly, the period of 152 days in preferring the writ appeal no. WA/7/2021, is hereby condoned.

The Interlocutory application stands disposed of.

JUDGE

JUDGE

Comparing Assistant