

Court No. - 1

Case :- SPECIAL APPEAL DEFECTIVE No. - 899 of 2023

Appellant :- State Of U.P. Thru. Addl. Cheif/Prin. Secy.Deptt.
Of Mahila Evam Bal Vikas U.P.Govt.Lko. And Others

Respondent :- Smt. Umravati Devi

Counsel for Appellant :- C.S.C.

Counsel for Respondent :- Shrawan Kumar Verma

Hon'ble Attau Rahman Masoodi,J.

Hon'ble Om Prakash Shukla,J.

1. Heard learned counsel for the parties.
2. This intra court appeal filed under Chapter VIII Rule 5 of the Allahabad High Court Rules, 1952 has arisen out of the judgment/order dated 28.02.2020 passed in Service Single No.22891 of 2016 whereby the writ court has allowed the writ petition on the ground that the respondent/petitioner was entitled to get additional marks for having additional qualification of M.A. for the post of Mukhyasevika.
3. There is a delay of 550 days in filing the present special appeal.
4. An application for condonation of delay supported with an affidavit has been filed along with the appeal.
5. On a careful consideration of the explanation spelt out in the affidavit, we do not find that the explanation offered by the appellant is plausible. The routine sequence of events aptly described is unconvincing.
6. Law has long set its face against delay in approaching the Courts. The courts have consistently declined to condone the delay and denied relief to litigants who are guilty of laches. Litigants who are in long slumber and not vigilant about their

rights are discouraged by the courts. Belated claims are rejected at the threshold.

7. The Apex Court, while emphasizing the scope of Section 5 of the Limitation Act, in the case of ***Mahant Bikram Dass Chela versus Financial Commissioner, Revenue, Punjab, Chandigarh And Others [1977 AIR 2221]*** has held as under:

" 21. Section 5 of the Limitation Act is a hard task-master and judicial interpretation has encased it within a narrow compass. A large measure of case-law has grown around Section 5, its highlights being that one ought not easily to take away a right which has accrued to a party by lapse of time and that therefore a litigant who is not vigilant about his rights must explain every day's delay. These and similar considerations which influence the decision of Section 5 applications are out of place in cases where the appeal itself is preferred within the period of limitation but there is an irregularity in (1977) 4 SCC 69 Page 10 of 17 presenting it. Thus, in the instant case, there was no occasion to invoke the provisions of Section 5, Limitation Act, or of Rule 4, Chapter I of the High Court Rules. If the Division Bench were aware that Rule 3 of Chapter 2-C is directory, it would have treated the appeal as having been filed within the period of limitation, rendering it inapposite to consider whether the delay caused in filing the appeal could be condoned."

8. The Apex Court in the case of ***Basawaraj and Another versus Special Land Acquisition Officer [AIR 2014 SC 746]*** while rejecting an application for condonation of delay for lack of sufficient cause has concluded in Paragraph 15 as follows:

"15. The law on the issue can be summarised to the effect that where a case has been presented in the court beyond limitation, the applicant has to explain the court as to what was the "sufficient cause" which means an adequate and enough reason which prevented him to approach the court within limitation. In case a party is found to be negligent, or for want of bona fide on his part in the facts and circumstances of the case, or found to have not acted diligently or remained inactive, there cannot be a justified ground to condone the delay. No court could be justified in condoning such an inordinate delay by imposing any condition whatsoever. The application is to be decided only within the parameters laid down by this Court in regard to the 8 (2013) 14 SCC 81 Page 11 of 17 condonation of delay. In case there was no sufficient cause to prevent a litigant to approach the court on time condoning the delay without any justification, putting any condition whatsoever, amounts to passing an order in violation of the statutory provisions and it tantamounts to showing utter disregard to the legislature."

9. In view of what has been stated above, it is evidently clearly

that the Courts can help to the litigants who are vigilant and the reason put forth for the delay in filing the Special Appeal is not at all acceptable or convincing.

10. The application for condonation of delay being bereft of merit is **rejected**. Consequently the Special Appeal is also **rejected**.

Order Date :- 22.11.2023

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