

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

LPA No. 56/2024 in
SWP No. 1352/2012
CM No. 1535/2024
CM No. 1537/2024

1. State (Now U.T) of J&K Appellant(s)/Petitioner(s)
through Commissioner
Secretary to Government
General Administrative
Department Civil Sectt J&K
Jammu/Srinagar.
2. J&K Public Service
Commission through its
Secretary Resham Ghar
Colony, Jammu.

Through: Mr. Mohd. Kashir Malik, Advocate

Vs

Vikram Singh S/o Sh. Parkash Singh R/o Respondent(s)
Kot Maria, Tehsil Akhnoor, District Jammu

Through: None

**Coram: HON'BLE MR. JUSTICE SANJEEV KUMAR, JUDGE
HON'BLE MR. JUSTICE PUNEET GUPTA, JUDGE**

ORDER
30.12.2024

CM No. 1535/2024

1. An appeal filed under Clause 12 of the Letters Patent by the appellants seeking to challenge the judgment dated 01.04.2016 passed in SWP No. 1352/2012 titled Vikram Singh Vs. State is delayed by 2849 days. Hence, an application for condonation of delay under Section 5 of the Limitation Act.
2. The condonation of delay is sought on the ground that in compliance with the judgment dated 01.04.2016, the General Administrative Department considered the case of the respondent herein and rejected the same on merits by

issuing Government Order No. 1187-GAD of 2017 dated 15.09.2017. It is submitted that the contempt petition was listed before the Court on number of occasions in which the General Administration Department filed statement of facts/compliance reports, however, the Court disagreed with the compliance reports and directed the appellants to file fresh compliance report. On 21.10.2023, last and final opportunity was granted to the appellants to comply with the order of the writ Court and this was reiterated on 04.12.2023. Learned counsel for the appellants submits that at this stage, when there was a pressure created by the contempt Court for implementation of judgment, the matter was taken up by the GAD with the Department of Law and a decision was taken to challenge the order dated 01.04.2016. Accordingly, steps were taken and the instant appeal, which is delayed by more than 2800 days, was filed.

3. Respondent has filed objections and has taken the specific plea that the judgment passed by this Court was all alone within the knowledge of the appellants as they were appearing in the contempt petition and filing statement of facts/compliance reports one after the another. It is submitted that there is no sufficient explanation tendered by the appellants to seek condonation of a huge delay.

4. Having heard learned counsel for the parties and perused the record, we are of the considered opinion that huge delay of 2849 days has not been sufficiently explained. It is not the case of the appellants that they were not aware of the judgment dated 01.04.2016 or that they were prevented by some cause beyond their control to prefer the appeal in time. As a matter of fact, the contempt petition filed alleging violation of the judgment dated 01.04.2016 was contested by the appellants and several statement of facts/compliance reports

were filed. The idea to file the appeal against the judgment dated 01.04.2016 occurred to the appellants only when they came under constraint to comply with the judgment and pass an order in consonance therewith. The *ipse dixit* of the appellants be termed as sufficient cause for approaching this Court after a huge delay of 2849 days. That apart, we have quickly gone through the judgment sought to be challenged and do not find any merit in the appeal as well.

5. For the foregoing reasons, we find no merit in this application and the same is accordingly, dismissed along with LPA No. 56/2024.

(Puneet Gupta)
Judge

(Sanjeev Kumar)
Judge

Jammu
30.12.2024
Tarun/PS

