



Serial No. 03
Daily List

HIGH COURT OF MEGHALAYA
AT SHILLONG

MC(WA) No. 46 of 2024

Date of order: 19.02.2025

1. Union of India represented by the Secretary to the Government of India, Ministry of Home Affairs, North Block, New Delhi – 110001
 2. The Director General of Assam Rifles, Mahanideshalaya, (The Directorate General of Assam Rifles) Shillong, Meghalaya-793011
 3. The Commandant, 13th Battalion, Assam Rifles, C/o 99 APO
- ...Appellants**

Vs

RFN (GD) R. Ramu
S/o (L) RP Naidu,
Plot No. 8, Shyamala Nagar Colony,
Sivarampally, Rajendra Nagar Mandal,
Ranga Reddy District, Telangana.

...Respondent

Coram:

Hon'ble Mr. Justice I.P. Mukerji, Chief Justice
Hon'ble Mr. Justice W. Diengdoh, Judge

Appearance:

For the Appellants : Dr. N. Mozika, DSGI with
Ms. K. Gurung, Adv.

For the Respondent : Mr. R. Jha, Adv.

There is a delay of 176 days in preferring the appeal. The appellants have made an application for condonation of delay under Section 5 of the Limitation Act, 1963. The prayer for condonation is opposed by the respondent. It is submitted on his behalf that no good



ground has been made out, the application for condonation should be dismissed and on that ground the appeal also not be entertained.

We have carefully considered the Section 5 application. The grounds have been stated in paragraph 4. We find that learned counsel who was entrusted with preparation of the appeal from the impugned judgment and order dated 5th March, 2024, for whatever reason took time from 14th June, 2024 to 2nd September, 2024, that is to say nearly three months to get the appeal ready. Furthermore, more than three months had been taken earlier, from the date of the impugned order, for the appellants to decide whether to prefer the appeal or not. Normally, the opinion that an appeal should be preferred comes from the legal department of the government and thereafter approved by its higher authority. Therefore, almost the entire delay was caused in the legal department of the government or in the office of its learned lawyer.

It is quite well settled that the litigant should not be penalised for any fault on the part of his lawyer. Although in this case the appellant is the Union of India, the same principle will apply.

Moreover, a substantial question needs to be tried in this appeal: whether an employee of a Central Security Force who has been discharged from service for an unauthorised absence and facing inquiry should be reinstated during the continuance of the inquiry?

For the above reasons, we condone the delay of 176 days.



The application, MC(WA) No. 46 of 2024 is allowed.

We admit the appeal.

As the respondent is appearing, we expedite hearing of the appeal dispensing with all formalities regarding service of notice, etc.

Advocate-on-Record for the appellants shall file an informal paper-book in this Court by 22nd April, 2025 serving a copy thereof on the Advocate-on-Record for the respondent at least seven days before the date fixed hearing of the appeal.

List the appeal on 5th May, 2025.

(W. Diengdoh)
Judge

(I.P. Mukerji)
Chief Justice