

IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

CJ Court:

Case No: LPA No. 240/2024
CM No. 6778/2024
CM No. 6779/2024

Uploaded on: 14.11.2025

1. State/UT of Jammu & Kashmir
through Chief Secretary,
Govt. of Jammu & Kashmir
Civil Secretariat, Jammu.
2. Commissioner cum Secretary to
Government,
Adm. Reforms-Inspection-
Stationary-Printing Department,
Jammu & Kashmir, Jammu.
3. General Manager,
Ranbir Government Press,
Jammu.

...Petitioner(s)/Appellant(s)

Through: Mr. Raman Sharma, AAG with
Ms. Saliqa Sheikh, Assisting Counsel.

v/s

Tilak Raj, S/O Om Parkash
R/O Dabber, Amir Nagar,
Tehsil Bishnah, Distt. Jammu.

.... Respondent(s)

Through: Mr. Rajiv Kumar Sharma, Advocate

**CORAM: HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE RAJNESH OSWAL, JUDGE.**

**ORDER
12.11.2025**

CM No.6778/2024

1. Through the medium of this application, the applicants-writ respondents are seeking condonation of delay of 3146 days in filing the appeal against the judgment dated 08.02.2016 passed by the learned writ Court in SWP No. 1007/2002 titled *Tilak Raj Vs. State of J&K and others*, whereby the learned writ Court has directed the applicants-writ respondents to consider the case of the respondent-writ petitioner for his regularization within a period of eight weeks from the date of receipt of copy of order.
2. The condonation of delay is being sought on the grounds *inter alia* that the Department of Law, Justice and Parliamentary Affairs, vide communication dated 10.05.2024, advised the applicants-writ respondents to prefer an appeal against the judgment dated 08.02.2016. Pursuant thereto, the applicants-writ respondents provided the necessary documents required for filing the appeal to their counsel on 20.05.2024. Certain vital information was furnished on 04.07.2024, and thereafter the appeal was preferred. It is also stated that the file remained under examination/consideration of the department and inter-departmental consultations were also made, therefore, the delay was occasioned in filing the appeal.
3. The respondent-writ petitioner has filed the response stating therein that judgment dated 08.02.2016 was pronounced by the learned writ

Court in presence of the Advocate of the applicants-writ respondents and when the judgment was not implemented by the applicants-writ respondents, the contempt petition was also filed in the year 2022 wherein the applicants-writ respondents have also filed statement of facts in the month of November, 2022. It is stated by the respondent-writ petitioner that no sufficient cause has been demonstrated by the applicants-writ respondents for condoning the delay of more than 8 years and as such, this application deserves to be dismissed.

4. Heard learned counsel for the parties. We have also perused the record.
5. The writ petition filed by the respondent-writ petitioner bearing SWP No.1007/2002 titled '*Tilak Raj Vs. State of J&K and others*' was disposed of by the learned writ Court vide judgment dated 08.02.2016 and the applicants-writ respondents were directed to consider the case of the respondent-writ petitioner for his regularization within eight weeks from the date of receipt of copy of the order.
6. A perusal of the application seeking condonation of delay reveals that no sufficient cause has been demonstrated by the applicants-writ respondents for seeking condonation of inordinate delay of 3146 days in assailing the order dated 08.02.2016. The judgment itself bears testimony to the fact that it was rendered in the presence of the learned counsel for the applicants-writ respondents. Moreover, the applicants-writ respondents were well aware of the judgment and even in Contempt Petition, the statement of facts has also been filed in November, 2022. We have no doubt that the applicants-writ respondents have been negligent in availing the remedy and have

miserably failed to establish any sufficient cause that prevented them from assailing the judgment within the prescribed period of limitation.

7. After examining the application for condoning the delay of 3146 days in filing the appeal against the judgment dated 08.02.2016, we find no plausible or convincing reason to condone the inordinate delay. In **Shivamma (Dead) by LRs Vs. Karnataka Housing Board and Ors**, reported in **2025 INSC 1104**, the Hon’ble Supreme Court of India, in paragraph No.263, has held as under:-

“263. Limitation periods are prescribed to maintain a sweeping scope for the *lis* to attain for finality. More than the importance of judicial time, what worries us is the plight of a litigant with limited means, who is to contest against an enormous State, and its elaborate and never-exhausting paraphernalia. Such litigations deserve to be disposed of at the very threshold, because, say if a party litigating against the State, for whatever reason, is unable to contest the condonation of delay in appeal, unlike the present case, it reopens the *lis* for another round of litigation, and leaves such litigant listless yet again. As courts of conscience, it is our obligation that we assure that a litigant is not sent from pillar to post to seek justice.”

8. Accordingly, we **dismiss** this application, but without costs. Resultantly, LPA No.240/2024 shall also stand **dismissed** along with connected CM(s), if any.

(Rajnish Oswal)
Judge

(Arun Palli)
Chief Justice

Jammu
12.11.2025
Madan Verma-Secy

Whether order is speaking? **Yes.**
Whether order is reportable? **No.**