

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

CJ Court

**CM No.5240/2025
in LPA No.195/2025**

UT OF J&K AND OTHERS.

...PETITIONER(S)

Through: - Ms. Nadiya Abdullah, Advocate.

Vs.

SHOIB AIJAZ GURU

...RESPONDENT(S)

Through: - None.

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

**JUDGMENT
19.08.2025**

1) This is an application filed by the applicants/ appellants seeking condonation of delay in filing appeal against the judgment dated 20.12.2024 passed by the learned Writ Court in HCP No.38/2023

2) As per report of the Registry, there is a delay of 176 days in filing the appeal. The explanation for the delay caused in filing the appeal, as projected in the application, is that the appellants were required to collect record from subordinate staff and also to obtain legal advice from the Department of Law, Justic and Parliamentary Affairs and after the Law Department considered the matter and decided to challenge the judgment passed by the learned

Writ Court and the sanction in this regard was given in terms of communication dated 02.01.2025 and during this process a lot of time was consumed resulting in delay in filing the appeal.

3) Heard and perused the record.

4) Admittedly, the appeal against the impugned judgment has been filed by the appellant beyond the prescribed period of limitation and there is a delay of 176 days in filing the appeal. As per the own showing of the appellants, the sanction to file appeal was granted on 02.01.2025. The appeal along with the instant application has been filed on 13.08.2025 i.e. after a period of more than seven months from the date of grant of sanction to file appeal. No explanation whatsoever has been given by the appellants for this delay.

5) The Supreme Court in the case of **Office of the Chief Post Master General & Ors. vs. Living Media India Ltd. & anr. (2012) 3 SCC 563**, has observed that it is right time to inform all the government bodies, their agencies and instrumentalities that unless they have reasonable and acceptable explanation for the delay and there was bonafide effort, there is no need to accept the usual explanation that the file was kept pending for several months/years due to considerable degree of procedural red-tape in the process.

The Court further observed that the government departments are under a special obligation to ensure that they perform their duties with diligence and commitment. It was also held that condonation of delay is an exception and should not be used as an anticipated benefit for government departments because the law shelters everyone under the same light and should not be swirled for the benefit of a few.

6) In view of the aforesaid ratio laid down by the Supreme Court, it is clear that though some amount of latitude is permissible in law while considering a prayer for condonation of delay on behalf of the Government or its instrumentalities, yet in a case where there is lack of diligence on the part of the Government and its functionaries, the court would not come to their rescue. The present case, is a classic example of lethargy on the part of the appellants and, therefore, their prayer for condonation of delay in filing the appeal does not deserve to be accepted.

7) Apart from the above, the order of detention dated 15.12.2023, which was impugned before the learned Writ Court, has outlived its life and the appeal has been preferred after the prescribed period of limitation, therefore, adjudication of the appeal shall be an exercise in futility,

particularly when the appellants have not been able to demonstrate a sufficient cause for condoning the delay.

8) For the foregoing reasons, we do not find any merit in this application. The same is dismissed accordingly. As a necessary corollary, the appeal is also dismissed.

(RAJNESH OSWAL)
JUDGE

(ARUN PALLI)
CHIEF JUSTICE

Srinagar
19.08.2025
“Bhat Altaf”

Whether the **judgment** is reportable: **No**

