**IN THE HIGH COURT OF JHARKHAND AT RANCHI**
**L.P.A. No. 641 of 2025**
**With**
**I.A. No. 6814 of 2025**

1. The State of Jharkhand, through its Principal Secretary/Secretary, Higher and Technical Education Department, at Yojna Bhawan, Nepal House, Doranda, Ranchi
2. Under Secretary, Higher and Technical Education Department, Government of Jharkhand, at Yojna Bhawan, Nepal House, Doranda, Ranchi

... ... Appellants

Versus

1. Sagram Hembrom, S/o Madhu Hembrom, R/o Quarter No. 0/31, B.I.T Sindri, PO & PS-Sindri, District-Dhanbad
2. Nishikant Kisku, S/o Late Chandan Kisku, R/o Quarter No. 0/66, A-Zone, B.I.T Sindri, PO & PS-Sindri, District-Dhanbad
3. Rajendra Murmu, S/o Som Lal Murmu, R/o Quarter No. 0/73, B.I.T Sindri, PO & PS-Sindri, District-Dhanbad
4. Accountant General (A&E), Jharkhand, Ranchi

... … Respondents

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**CORAM: HON'BLE THE CHIEF JUSTICE**
**HON'BLE MR. JUSTICE RAJESH SHANKAR**

For the Appellants : Mr. Devesh Krishna, SC (Mines)-III
Mr. Faisal Allam, AC to SC (Mines)-III
For the Respondent Nos.1 to 3 : Mr. Atanu Banerjee, Advocate
Mr. Aditya Banerjee, Advocate
For the Respondent No. 4 : Mr. Rohit Sinha, Advocate

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**Order No. 02** **Dated: 15.06.2026**

**I.A. No. 6814 of 2025**

**1.** Heard learned counsel for the parties.

**2.** This application seeks condonation of the delay of 617 days in filing an appeal against the judgment and order dated 22.08.2023 disposing of W.P.(S) No. 176 of 2023.

**3.** From paragraph nos. 3 to 10 of this I.A., the appellants have referred to certain earlier orders based upon which the impugned order was made as a status of those orders. These are all matters relating to the merits and such averments have no nexus with the

inordinate delay in filing this appeal.

**4.** The only feeble attempt to explain the delay is in paragraph nos. 11 and 12 of the application.

**5.** Paragraphs nos. 11 and 12 are transcribed below for the convenience of reference:

> "***11.*** *That it is most humbly & respectfully submitted that in the department, there are six posts sanctioned for Assistant Section Officers and three posts sanctioned for Section Officers but all the six posts of Assistant Section Officers are vacant. Therefore, Section Officers have been instructed to perform the duties of Assistant Section Officers also and due to shortage of manpower, there had been delay which is inadvertent.*
>
> ***12.*** *That it is submitted that after taking decision of filing separate LPA, in all the matters, file was sent to the retainer for preparation of Grounds of Appeal on 07.02.2025 which was received on 21.02.2025 and thereafter, file was endorsed to Advocate General for opinion regarding filing of L.P.A. on 23.03.2025 which was returned back and after meeting the query of Advocate General, file was again placed on 16.04.2025 and opinion of Advocate General was received on 17.04.2025 for filing of L.P.A."*

**6.** The statement that the manpower shortage and consequent delay were inadvertent is vague and cannot constitute sufficient cause to explain the inordinate delay of 617 days. The averments in paragraph 12 are the routine reasons for the movement of files from table to table and officer to officer. There is a reference to obtaining a legal opinion and preparing an appeal memo.

**7.** Though it is not clearly pleaded, the learned counsel for the

appellants submitted that an L.P.A. has already been filed to challenge the impugned order because it concerns more than one employee. Apart from the fact that this does not constitute sufficient cause, it is admitted that even the said appeal was filed after a delay of more than 300 days.

**8.** Besides, if an appeal has already been filed against the very same judgment and order, we fail to understand why so much time was spent on moving the files and obtaining legal opinions. These kinds of averments inspire no confidence whatsoever and are routinely made to secure condonation of delay.

**9.** Routine administrative reasons, which inspire no confidence whatsoever, have been cited to explain the substantial delay. The averments are casual and do not constitute sufficient cause.

**10.** In the case of **Postmaster General and Others Vs. Living Media India Limited and Another**, reported in **(2012)3 SCC 563**, the Hon'ble Supreme Court has held as under:

> *"25. We have already extracted the reasons as mentioned in the "better affidavit" sworn by Mr. Aparajeet Pattanayak, SSRM, Air Mail Sorting Division, New Delhi. It is relevant to note that in the said affidavit, the Department has itself mentioned and is aware of the date of the judgment of the Division Bench of the High Court in Office of the Chief Postmaster v. Living Media India Ltd. as 11-9-2009. Even according to the deponent, their counsel had applied for the certified copy of the said judgment only on 8-1-2010 and the same was received by the Department on the very same day. There is no explanation for not applying for the certified copy of the impugned judgment on 11-9- 2009 or at*

*least within a reasonable time. The fact remains that the certified copy was applied for only on 8-1-2010 i.e. after a period of nearly four months.*

*26. In spite of affording another opportunity to file better affidavit by placing adequate material, neither the Department nor the person-in-charge has filed any explanation for not applying the certified copy within the prescribed period. The other dates mentioned in the affidavit which we have already extracted, clearly show that there was delay at every stage and except mentioning the dates of receipt of the file and the decision taken, there is no explanation as to why such delay had occasioned. Though it was stated by the Department that the delay was due to unavoidable circumstances and genuine difficulties, the fact remains that from day one the Department or the person/persons concerned have not evinced diligence in prosecuting the matter to this Court by taking appropriate steps.*

*27. It is not in dispute that the person(s) concerned were well aware or conversant with the issues involved including the prescribed period of limitation for taking up the matter by way of filing a special leave petition in this Court. They cannot claim that they have a separate period of limitation when the Department was possessed with competent persons familiar with court proceedings. In the absence of plausible and acceptable explanation, we are posing a question why the delay is to be condoned mechanically merely because the Government or a wing of the Government is a party before us.*

*28. Though we are conscious of the fact that in a matter of condonation of delay when there was no gross negligence or deliberate inaction or lack of bona fides, a liberal concession has to be adopted*

*to advance substantial justice, we are of the view that in the facts and circumstances, the Department cannot take advantage of various earlier decisions. The claim on account of impersonal machinery and inherited bureaucratic methodology of making several notes cannot be accepted in view of the modern technologies being used and available. The law of limitation undoubtedly binds everybody, including the Government."*

**11.** In the case of **Union of India & Anr. Vs. Jahangir Byramji Jeejeebhoy (D) through his LR**, reported in **2024 SCC OnLine SC 489**, the Hon'ble Supreme Court has held as under:

"*25. It hardly matters whether a litigant is a private party or a State or Union of India when it comes to condoning the gross delay of more than 12 years. If the litigant chooses to approach the court long after the lapse of the time prescribed under the relevant provisions of the law, then he cannot turn around and say that no prejudice would be caused to either side by the delay being condoned. This litigation between the parties started sometime in 1981. We are in 2024. Almost 43 years have elapsed. However, till date the respondent has not been able to reap the fruits of his decree. It would be a mockery of justice if we condone the delay of 12 years and 158 days and once again ask the respondent to undergo the rigmarole of the legal proceedings.*

*26. The length of the delay is a relevant matter which the court must take into consideration while considering whether the delay should be condoned or not. From the tenor of the approach of the appellants, it appears that they want to fix their own period of limitation for instituting the proceedings for which law has prescribed a period*

> *of limitation. Once it is held that a party has lost his right to have the matter considered on merits because of his own inaction for a long, it cannot be presumed to be non-deliberate delay and in such circumstances of the case, he cannot be heard to plead that the substantial justice deserves to be preferred as against the technical considerations. While considering the plea for condonation of delay, the court must not start with the merits of the main matter. The court owes a duty to first ascertain the bona fides of the explanation offered by the party seeking condonation. It is only if the sufficient cause assigned by the litigant and the opposition of the other side is equally balanced that the court may bring into aid the merits of the matter for the purpose of condoning the delay.*
>
> *27. We are of the view that the question of limitation is not merely a technical consideration. The rules of limitation are based on the principles of sound public policy and principles of equity. We should not keep the 'Sword of Damocles' hanging over the head of the respondent for indefinite period of time to be determined at the whims and fancies of the appellants.*
>
> *35. In a plethora of decisions of this Court, it has been said that delay should not be excused as a matter of generosity. Rendering substantial justice is not to cause prejudice to the opposite party. The appellants have failed to prove that they were reasonably diligent in prosecuting the matter and this vital test for condoning the delay is not satisfied in this case."*

**12.** The Hon'ble Supreme Court has held that the rules of limitation are based on the principles of sound public policy and equity. The length of the delay is a relevant consideration in the condonation of delay in filing an appeal. If it is found that the delay in filing the

appeal has arisen due to the party's own negligence and casual attitude, the delay may not be condoned on the grounds of doing substantial justice.

**13.** The Hon'ble Supreme Court has also held that it is trite law that a government department cannot claim a separate period of limitation. The law of limitation undoubtedly binds everyone, including the Government. The claim for condonation of delay on account of impersonal machinery and the inherited bureaucratic methodology of making several notes cannot be accepted in view of the modern technologies available and in use. If it is found from the record of a particular case that the department(s) or the officials concerned were not diligent in prosecuting the matter in the Court by taking appropriate steps, the application for condonation of delay is liable to be rejected.

**14.** In **Shivamma (Dead) by Lrs. Vs. Karnataka Housing Board & Ors.**, reported in **2025 SCC OnLine SC 1969**, the Hon'ble Supreme Court has once again made it abundantly clear that "*administrative lethargy and laxity"* can never stand as a sufficient ground for condonation of delay. The Hon'ble Supreme Court in para 261 observed "*we want to convey an emphatic message to all the High Courts that delays shall not be condoned on frivolous and superficial grounds, until a proper case of sufficient cause is made out, wherein the State-machinery is able to establish that it acted with bona fides and remained vigilant all throughout. Procedure is a handmaid to justice, as is famously said. But courts, and more particularly the constitutional courts, ought not to obviate the*

*procedure for a litigating State agency, who also equally suffer the bars of limitation from pursuing litigations due to its own lackadaisical attitude*."

**15.** The Hon'ble Supreme Court further observed that the High Courts ought not give a legitimising effect to such callous attitude of the State authorities or their instrumentalities and should remain extra cautious if the party seeking condonation of delay is a State authority. They should not become surrogates for State laxity and lethargy. The constitutional courts ought to be cognizant of the apathy and pangs of a private litigant. Litigants cannot be placed in situations of perpetual litigation, wherein the fruits of their decrees or favourable orders are frustrated at later stages.

**16.** The Hon'ble Supreme Court observed: "*We are at pains to reiterate this everlasting trend, and put all the High Courts to notice, not to reopen matters with inordinate delay, until sufficient cause exists, as by doing so the courts only add insult to the injury, more particularly in appeals under Section 100 of the CPC, wherein its jurisdiction is already limited to questions of law*."

**17.** The Hon'ble Supreme Court has further observed that 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 is the plight of a litigant with limited means, who is to contest against an enormous State, and its elaborate and never-exhausting paraphernalia.

**18.** The Hon'ble Supreme Court has held that 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, Courts are obligated to ensure that a litigant is not sent from pillar to post to seek justice. No litigant should be permitted to be so lethargic and apathetic, much less be permitted by the courts to misuse the process of law.

**19.** Applying the above principles to the gross facts of the present case, we do not find any good ground to condone the delay. No case of sufficient cause has been made out. Accordingly, this I.A. is dismissed.

**20.** As a consequence, the accompanying appeal and I.As, if any therein, do not survive and are disposed of.

**(M. S. Sonak, C.J.)**

**(Rajesh Shankar, J.)**

June 15, 2026
Manish/Ritesh

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