

IN THE HIGH COURT OF HIMACHAL PRADESH AT SHIMLA
CMP(M) No.195 of 2026 &
LPA No.480 of 2026
Decided on : 14.08.2026

The State of H.P. and others ...Applicants/Appellants

Versus

Amar Singh ...Respondent

Coram

The Hon'ble Mr. Justice G.S. Sandhawalia, Chief Justice.
The Hon'ble Mr. Justice Jiya Lal Bhardwaj, Judge.

Whether approved for reporting?¹

For the applicants/ : Mr. Varun Chandel, Additional
appellants Advocate General.

G.S. Sandhawalia, Chief Justice (Oral)

The present application has been filed by the State for condonation of delay in filing the Letters Patent Appeal, seeking consideration of the judgment passed by the learned Single Judge in CWP No.10802 of 2024, titled, **Amar Singh vs. State of H.P. and others**, dated 25.09.2024, which is barred by 1 year and 81 days.

2. The explanation given in the application for condonation of delay is bereft of any substantial cause apart from showing that the file was kept pending in various departments by virtue of communications from one department to the other. The certified copy of the judgment and order dated 25.09.2024 had

¹ Whether reporters of the local papers may be allowed to see the judgment?

been delivered on 19.11.2024, which had been duly received on 07.12.2024 by the concerned Executive Engineer from the Engineer-in-Chief, vide his letter dated 05.11.2024. Resultantly, on 09.12.2024, the same was forwarded to the Assistant Engineer and thereafter, the matter was referred to the concerned Executive Engineer, who took up the matter on 19.02.2025 with the Superintending Engineer, JSV Circle, Dharampur.

3. The matter was then referred to the Law Officer on 04.03.2025 and forwarded to the Superintending Engineer of the concerned circle. After this, it was further referred on 25.03.2025 to the Government for advice and on 03.04.2025, the matter was referred to the Engineer-in-Chief (JSV), who had finally referred the same to the Government on 17.04.2025. The advice of the government was conveyed on 10.06.2025 to the Engineer-in-Chief and thereafter, since the case file was allegedly tagged with another file and could not be traced by the Dealing Assistant, the case could not be moved by the concerned Executive Engineer with his comments to the Superintending Engineer, JSV Circle, Dharampur to prepare the draft LPA as per the advice of the Government for which the Superintending Engineer had ordered an enquiry against the defaulting officials. After tracing the file, it was sent to the Law Officer Mandi Zone, who had examined the

matter on 22.01.2026 and eventually found its way to this Court on 30.01.2026 with a delay of 1 year and 81 days in filing the appeal.

4. Thus, it is apparent that apart from communicating the matter from one office to the other for almost a period of ten months, before the file was misplaced, no effective steps had been taken for filing the appeal as such. Even the averments made therein regarding how the file was tagged and against whom, the enquiry had been ordered, is missing. Neither there is any mention as to how and when the file was traced and on what basis. Thus, the application filed on the strength of the averments, is not sufficient to satisfy this Court to condone the delay, especially keeping in view the fact that the directions were only given that the financial benefits as such up to the age of 60 years be granted, which was settled position of law in CWP No.2274 of 2021, titled, **Satya Devi vs. State of H.P. and others**, decided on 28.05.2024. It was the principle cause of the writ petition, when the learned Single Judge relied upon another judgment of the Division Bench decided on 22.02.2022, passed in CWP No.2711 of 2019, titled, **Baldev vs. State of H.P. and others**, to grant the necessary relief. Regarding that, the relief also has been restricted that the actual monetary benefits would not be granted for the wages and salary for the period of service

from the date of actual retirement but only consequential benefits had been granted since apparently the petitioner had allegedly retired on 31.03.2020 before filing of the writ petition in the year 2024 and therefore only consequential benefits have been directed to be paid. Thus, the interest of the State had been well looked after by the learned Single Judge and it is also a concessional order, which is clear from para 4 of the judgment that the matter was covered by **Baldev's** case (supra).

5. In such circumstances, we are of the considered opinion that certain vested rights have to be duly protected and at this point of time, the Class IV employee, who has retired six years back, cannot be forced into unnecessary litigation as such.

6. Keeping in view the settled principles as such laid down by the Apex Court time and again, even though the Department can take some benefit of its impersonal machinery, but there has to be a lifespan for each legal remedy. In the absence of any plausible and tangible explanation for such a long delay, there would be no valid reason to condone the delay. The principles as such have been laid down and reference can be made to the judgment passed in **Chief Postmaster General and others versus Living Media India Limited and another (2012) 3 SCC 563**, which reads as under:-

- “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 bonafide, 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.*
- 29. In our view, it is the 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 government departments are under a special obligation to ensure that they perform their duties with diligence and commitment. Condonation of delay is an exception and should not be used as an anticipated benefit for government departments. The law shelters everyone under the same light and should not be swirled for the benefit of a few. Considering the fact that there was no proper explanation offered by the Department for the delay except mentioning of various dates, according to us, the Department has miserably failed to give any acceptable and cogent*

reasons sufficient to condone such a huge delay."

7. Accordingly, the application for condonation of delay is dismissed. Resultantly, the Letters Patent Appeal would meet the same fate. Pending miscellaneous application(s), if any, also stand disposed of accordingly.

(G.S. Sandhawalia)
Chief Justice

(Jiya Lal Bhardwaj)
Judge

August 14, 2026
(ankit)