

IN THE HIGH COURT OF HIMACHAL PRADESH AT SHIMLA

CMP.M No. 1348 of 2026 &

LPA No. 508 of 2026

Decided on : 31.08.2026

Shyam Lal

...Applicant/Appellant

Versus

State of Himachal Pradesh and others

...Non-applicants/Respondents

Coram

The Hon'ble Mr. Justice G.S. Sandhawalia, Chief Justice.

The Hon'ble Mr. Justice Chirag Bhanu Singh, Judge.

Whether approved for reporting?¹

For the applicant/ : Mr. Rajender Sharma, Advocate.
appellant

For the non-applicants/ : Mr. Arsh Rattan, Deputy Advocate
respondents General.

G.S. Sandhawalia, Chief Justice (Oral)

The present application has been filed for condonation of delay of 1 year 1 month and 27 days, in filing the Letters Patent Appeal, seeking consideration of the judgment passed by the learned Single Judge in ***Civil Writ Petition No. 8 of 2024***, titled ***Shyam Lal Vs. State of Himachal Pradesh and others***, dated 27.12.2024, whereby the learned Single Judge had dismissed the writ petition.

2. The reasons given in the application are that the applicant/appellant is a rustic villager and he was in touch with his counsel after every 4-5 months and had been informed that his

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

case is still pending for final arguments. In the month of October, 2025, he had a talk with his close relative about the pendency of the writ petition, who said that he can check the status of the case from the website of the Court and he came to know that his matter had already been decided on 27.12.2024. Thereafter, he came to Shimla alongwith a copy of the judgment, which had been obtained through the website and contacted the present counsel for further recourse. The record was applied on 16.10.2025 and the same was delivered on 04.12.2025. Thereafter, in December, 2025, the applicant had visited the Office of the present counsel and disclosed that similarly situated person namely Mohammad Ramjan had been reinstated in service and accordingly, an application under the Right to Information had been preferred and the family members of the said person was contacted to procure documents. Thereafter, the present counsel had applied for the certified copy on 17.03.2026 and received the same on 24.03.2026. The case was then prepared and filed on 01.04.2026. It was in such circumstances, the delay in filing the present Letters Patent Appeal had been caused.

3. Perusal of the judgment would go on to show that the relief claimed as such, was denied on account of the fact that the services of the Daily Wager on compassionate basis had

been dispensed with on 19.10.2013 on account of his involvement in NDPS Case. On account of his acquittal by the learned Special Judge, Ghumarwin, District Bilaspur on 19.03.2020 in a Sessions Trial No. 3-3 of 2014, he had preferred a representation on 26.04.2021 for his re-engagement, which was rejected on 29.04.2021, leading to the filing of the writ petition after 3 years. On 27.12.2024, the writ petition was dismissed on account of the fact that merely because the benefit of doubt had been given to the petitioner for acquitting him, it will not lead to a definite conclusion about the suitability of the petitioner for the post and it was the prerogative of the employer.

4. The negligence on the part of the petitioner as such, to pursue the litigation is apparent. As per his own case, he contacted his counsel every 4-5 months. The matter was decided in December, 2024, but apparently, there is nothing on record to show that he contacted his counsel thereafter. The averments state that after almost a year, after decision of the writ petition, he contacted some relative to check the status in the month of October, 2025 and found that the case had already been decided. Thereafter, the record had been applied in October, 2025 and received in December, 2025. Another factor, which is apparent on the record is that the certified copy of the judgment had only been applied on 17.03.2026, which would go on to show

that in the intervening period also, one Mohammad Ramjan had been reinstated, who was similarly situated. Apparently, it was only on that account that the petitioner seems to have got felt that it was necessary to file an appeal on account of the similarly situated person having got the benefit. The fact of the certified copy having been applied after a year and three months of the decision of the writ petition, would further go on to show that he had no intention to file the appeal and there is no detail about which relative he had contacted, who told him about the decision of his case.

5. It is the settled position that the law of limitation curtails the remedy as such and sufficiency has to be made out. The law has been laid down by the Apex Court in its judgments passed in ***Chief Postmaster General and others Vs. Living Media India Limited and another, (2012) 3 Supreme Court Cases 563*** and in ***Esha Bhattacharjee Vs. Managing Committee of Raghunathpur Nafar Academy and others, (2013) 12 Supreme Court Cases 649.***

6. It is settled position that this Court has to ascertain the bona fide of the explanation given and only if sufficient cause is assigned, the Court would go into the merits of the case and the vesting of certain rights of the litigants have to be kept in mind and the principle has to be applied equally in the case of gross

negligence as such.

7. Keeping in view the above, this Court is of the considered opinion that the sufficient cause, which was sought to be made out, does not correctly depict the reasons as such for the delay, as mentioned above.

8. In such circumstances, this Court is not inclined to allow the application. 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

(Chirag Bhanu Singh)
Judge

August 31, 2026
(Shivank Thakur)