

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF
ANDHRA PRADESH**

**WPMP NO.39796 OF 2011 IN
REV.WPMP (SR) NO.127937 OF 2011 IN
W.P.No.26535 OF 2000**

Between:

The Assistant Director of Agriculture,
Soil Conservation, Markapur,
Prakasam District. .. Petitioner

and

Boppuraju Ravanaiah and another. .. Respondents

DATE OF JUDGMENT PRONOUNCEMENT : 06th OCTOBER, 2015

SUBMITTED FOR APPROVAL:

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THE HON'BLE SRI JUSTICE SANJAY KUMAR

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| 1. Whether Reporters of Local newspapers may be allowed to see the judgment? | Yes/No |
| 2. Whether copies of the judgment may be marked to Law Reporters/Journals | Yes/No |
| 3. Whether His Lordship wishes to see the fair copy of the judgment? | Yes/No |

THE HON'BLE SRI JUSTICE SANJAY KUMAR

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WPMP NO.39796 OF 2011 IN

REV.WPMP (SR) NO.127937 OF 2011 IN

W.P.No.26535 OF 2000

ORDER

W.P.No.26535 of 2000 was filed by the Assistant Director of Agriculture, Soil Conservation, Markapur, Prakasam District, assailing the Award dated 23.08.2000 passed by the Labour Court, Guntur, in I.D.No.149 of 1996. The said writ petition was partly allowed, by order dated 07.09.2010, confirming the Award to the extent of reinstatement of the first respondent workman in service with continuity of service but setting aside the direction to pay him full back wages.

Review WPMP (SR) No.127937 of 2011 was filed by the writ petitioner to review the above order. As there was a delay of 321 days in presenting it, WPMP

No.39796 of 2011 was filed to condone the same. This condone delay petition was filed on 03.12.2011, after complying with objections, and came up before this Court for the first time on 06.01.2012 when notice was ordered to the respondents.

No steps were taken thereafter by the review petitioner to get the delay condoned so as to proceed with the review petition. Learned Government Pleader for Irrigation fairly conceded that no letters were addressed by her office to the Registry in this regard for posting of the condone delay petition. Needless to state, unless the delay is condoned, the review petition would not even be numbered. It was only on 02.04.2015 that the matter surfaced on its own impetus when the condone delay petition was listed. These facts demonstrate the zeal and diligence with which the matter was pursued by the review petitioner.

The affidavit filed in support of the condone delay petition does not even attempt to explain the delay. Only para 3 addresses the delay aspect and states that the certified copy of the order dated 07.09.2010 was made ready on 27.09.2010 and that the matter was placed before the competent authority for appropriate instructions. It was then referred for obtaining a legal opinion and after receipt of the same, the review was filed and in that process, the delay of 321 days occurred. No dates have been mentioned after 27.09.2010, the day the certified copy was made ready. When the delay is just short of a year, it would be necessary for a party seeking condonation thereof to explain the delay properly. Merely obtaining a legal opinion cannot justify such a long delay. In the order dated 07.09.2010 passed in the writ petition, this Court found fault with the manner in which the writ petitioner went about prosecuting the matter before the Labour Court, Guntur, and it appears that the same lassitude continues before this Court also.

Thus, adequate reasons are not forthcoming to explain the long delay. The State and its officers cannot expect that delay on their part in pursuing Court cases would be condoned as a matter of course accepting their routine justification of administrative process. This Court therefore finds no reason to condone the long delay in the presentation of this review petition.

WPMP No.39796 of 2011 is accordingly dismissed. In consequence, Review WPMP(SR).No.127937 of 2011 shall also stand dismissed. No costs.

SANJAY KUMAR, J

06th OCTOBER, 2015

PGS