

CM No.13967-C of 2015 in
RA-RS No.89-C of 2015 in
RSA No. 3825 of 2015

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CM No.13967-C of 2015 in
RA-RS No.89-C of 2015 in
RSA No. 3825 of 2015
Date of Decision: November 16, 2015

Municipal Council Fatehabad

...Applicant

versus

Madan Lal & others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Shireesh Gupta, Advocate
for the applicant.

AUGUSTINE GEORGE MASIH, J. (Oral):

Prayer in CM No.13967-C of 2015 is for condonation of delay of 47 days in filing the review application. The reason mentioned for the delay is that it has occurred due to the time spent in taking advise deliberating further course of action.

There is no explanation as to how and on what stages such deliberations, decisions or advise were taken which has resulted in the said delay. In **Office of the Chief Post Master General & Ors. vs. Living Media India Ltd. & Anr., 2012 (2) S.C.T. 269**, the Supreme Court has deprecated such delays on the part of the government bodies or governments, etc. in the following manner:-

“12) It is not in dispute that the person(s) concerned

CM No.13967-C of 2015 in
RA-RS No.89-C of 2015 in
RSA No. 3825 of 2015

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.

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.

13) 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

CM No.13967-C of 2015 in
RA-RS No.89-C of 2015 in
RSA No. 3825 of 2015

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. Accordingly, the appeals are liable to be dismissed on the ground of delay.”

In view of the above, application for condonation of delay of 47 days in filing the review application deserves dismissal.

The review application has also been perused as also the order dated 17.08.2015 but no ground for review of the order dated 17.08.2015 is made out.

The application for condonation of delay and the review application, therefore, stand dismissed.

(AUGUSTINE GEORGE MASIH)
JUDGE

November 16, 2015

Harish