

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 678 of 2015**

1. State Of Chhattisgarh Through the Executive Engineer, Water Resources Construction Division, Kasdol, District Raipur, Chhattisgarh
2. The Sub Divisional Officer, Balar Canal Sub Division, Kasdol, District Raipur Chhattisgarh.

---- Appellants**Versus**

Shyamu S/o Shri Chheduram Marar, R/o Pisid, P.S. and Tahsil Kasdol, District Raipur, Chhattisgarh

---- Respondent

For Appellant/State	:	Shri B. Gopa Kumar, Deputy Advocate General.
For Respondent	:	Shri Vinod Deshmukh, Advocate

Hon'ble Shri Navin Sinha, Chief Justice
Hon'ble Shri P. Sam Koshy, J.

Judgment on Board**Per Navin Sinha, Chief Justice****11/01/2016**

1. The present appeal arises from order dated 5.5.2014 dismissing Writ Petition (L) No.1961 of 2008 declining to interfere with the order of reinstatement pursuant to retrenchment in violation of provision of Section 25F of the Industrial Disputes Act.

2. The appeal is barred by delay of 551 days. The explanation given for the same in I.A. No.01 of 2015 is routine with regard to pushing of the files from one table to another and one department to another. Furthermore, the order of the Labour Court ordering reinstatement was passed on 27.8.2001 affirmed by the Industrial Court on 11.10.2004 and against which the writ petition itself was filed four years later in 2008.

3. The Respondent has been reinstated in the year 2001. Not content with their own laxity and negligence for having filed the writ petition four years later, the Appellant has persisted in its cavalier attitude in preferring an appeal barred by 551 days also.

4. Even if a certain amount of latitude be permissible in limitation matters where one of the contesting party is the State, the principle cannot be stretched beyond a reasonable limit to bring within its ambit repeated delay reflecting callous negligence.

5. In *1991 Supp (2) SCC 286 (State of Rajasthan and Another v. Jaimal)*, it was observed that it appeared to have become a general feature, notwithstanding the fact that Government departments are comfortably, if not generously, staffed and the officers are paid sumptuously out of public funds. Such kind of vague averments to explain procedural and administrative delay become un-understandable. It was further observed at paragraph-4 as under:

"4.When appeals by the State are lost for default on account of the inaction of the officials, nobody individually suffers but, in the ultimate analysis, it is the public interest that suffers in all such cases. It is appropriate for the government and, indeed, its duty in cases of such inordinate delays to examine whether the public interest has suffered as a result of the negligent or motivated actions or omissions on the part of its officials. But in cases, as here, where the government owns the responsibility for the delay caused by its officials and tries to sell their explanation to the court without examining whether the acts and omissions of the officials were due to negligence or mala fides, then government runs the risk of sharing the blame and responsibility for the resultant pejorative effect on public interest."

6. Rather than to have preferred the present appeal perhaps it may have been more advisable for the Appellant to first have first done introspection, identified

those because of whom interest of the government suffered, taken against them and then instituted the appeal to prove its bonafide.

7. In absence of any such effort or attempt whatsoever, we are not inclined to condone delay. I.A. No.01 of 2015 for condoning delay is rejected. Consequently, the appeal itself fails and is dismissed.

Sd/-
(Navin Sinha)
CHIEF JUSTICE

Sd/-
(P. Sam Koshy)
JUDGE