

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

LPA No. 1722 of 2016 (O&M)

Date of Decision : 14.09.2016

State of Haryana and others

....Appellants

Versus

Neelam Rani and others

....Respondents

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MR.JUSTICE DR.SHEKHER DHAWAN

....

Present: Mr. Gagandeep S.Wasu, Addl.AG, Haryana.

MAHESH GROVER, J.

This appeal is hopelessly barred by limitation. The explanation given is vague and highly ambiguous in content. For the purpose of reference, para Nos.2 to 5 of the application are extracted herebelow :

“2. That after receiving copy of the order dated 16.8.2013 passed by this Hon'ble Court in CWP No.2554 of 1995, the higher authority was intimated regarding the decision of the case mentioned above. Thereafter the office of Director General Elementary Education, Haryana Panchkula vide his office memo No.16/65-2014ET-II(3) dated, Panchkula 30.5.14 forwarded the same to the office of Advocate General, Haryana for seeking opinion. Reminder

was again sent vide Memo No.16/65-2014 ET-II (3) dated, Panchkula dated 16.7.14. The office of Law Secretary-cum-Legal Remembrancer to Govt. Haryana vide office memo No.42797/CO.1659/H/2014 dated 2/9/14 sought certified copy of order from the office of Advocate General, Haryana. Thereafter the office of Director Elementary Education, Haryana, Panchkula also vide office Memo No.16/65-2014 ET-II(3) dated, Panchkula 15/9/14, 13.1.15 and 14.7.15, sought certified copy and comments thereon from the office of A.G.Haryana.

3. That thereafter, the office of Advocate General Vide memo No.35045 dated, Chandigarh, the 24.7.15 sent the copy of legal opinion with the comments that the case is fit for filing LPA. After that the office of Advocate General vide memo No.48440 dated 28.9.15 and 30.10.15 wrote to the department to depute fact knowing official/officer for further action.
4. That on receiving the above letters from the office of Advocate General, Haryana, the office of Director, Elementary Education, Haryana,

Panchkula vide office memo No.16.65-2014 ET-II(3) dated, Panchkula 10.11.2015 and 17.12.15, directed to the office of District Elementary Education Officer, Hisar to approach/contact with the office of Advocate General immediately alongwith the entire record of the case for filing LPA against the order dated 16.8.2013.

5. That thereafter the higher competent authority was approached for granting sanction for filing LPA in the present matter and plead the case on govt. expenses. After that the sanction was granted by the higher authority vide office letter No.44792/Co.1659/H/2014 dated 26.8.2015”

In Office of the Chief Post Master General & ors. v. Living Media India Ltd.& Anr. 2012(2)S.C.T.269 the Hon'ble Supreme Court has observed as under :

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

We find no reason to condone such an inordinately long delay which has not been explained satisfactorily. Besides, we notice that the impugned order was passed on the consent given by the learned counsel for the State.

Dismissed.

(MAHESH GROVER)
JUDGE

14.09.2016
dss

(SHEKHER DHAWAN)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No