

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

**CM No. 1491 of 2015 in/and
LPA No. 715 of 2015 (O &M)
Date of Decision: 16.3.2017**

Chandigarh Administration

.....Applicant/Appellant

v.

Sat Paul and others

.....Respondents

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

Present:- Mr. Kapil Kakkar, Advocate, for the applicant/appellant

Mr. Namit Kumar, Advocate, for respondents No.1 to 3

Ms. Ritika Sharma, Advocate, for
Mr. Ashish Rawal, Advocate, for respondent No. 4

MAHESH GROVER, J. (Oral) :

This appeal has been filed with a delay of 419 days. We may extract the reasons for the delay as contained in the application :-

“That the appellant could not file the appeal against the order of the learned Single Judge within the limitation because earlier the panel of advocates of the Chandigarh Administration was under process of change and also the certified copy of judgment was itself received in the month of August 2014 and later on the whole Chandigarh Administration was under process of change, accordingly delay occurred.”

This application has been strenuously opposed by learned counsel for the respondents.

After hearing learned counsel for the parties, we are of the

opinion that the application does not disclose justifiable reason for this inordinate delay. The explanation furnished is ambiguous, vague and sans particulars.

We are unable to accept the explanation and condone the delay. The State and its functionaries, cannot be treated any differently than a common litigant. Even, if any indulgence has to be given to procedural delays, yet, the rules of flexibility and the law of limitation cannot be stretched to such a limit, so as to render the entire purpose of the Limitation Act un consequential. The Hon'ble Supreme Court in the case of “Office of the Chief Post Master General & others v. Living Media India Ltd. & another, 2012 (2) S.C.T. 269” 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.”

Therefore, finding no good and sufficient reason to condone the delay, we dismiss the application as well as the appeal.

(MAHESH GROVER)
JUDGE

(SHEKHER DHAWAN)
JUDGE

16.3.2017
Ashwani

Speaking/Reasoned
Reportable

Yes/No
Yes/No