

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

LPA No. 174 of 2017 (O&M)

Date of Decision : 06.04.2017

State of Haryana and another

....Appellants

Versus

Mohinder Singh and another

....Respondents

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

Present: Mr. Gagandeep S.Wasu, Addl.A.G., Haryana.

MAHESH GROVER, J. (Oral)

This appeal has been filed with an inordinate delay of 250 days. Dissatisfied with the explanation given in the application under Section 5 of the Limitation Act accompanying the appeal, we had intended not to interfere, where upon a prayer was made that a better affidavit be permitted to be filed, which has since been done, but a perusal thereof still does not reveal a satisfactory state of affairs or offer any justifiable ground for condoning the delay of 250 days. In para 2 of the application filed now it has been stated that the file was put up before the Additional Advocate General on 19.05.2016 and the opinion was tendered on 11.09.2016 opining it to be a fit case for filing the appeal. There is absolutely no explanation why the file remained pending with the office of the Advocate General for almost four months and even after the opinion was given in September, three months were consumed in preparing the grounds etc.

Even though some leverage can be given to the State to condone the delay on account of the lengthy procedure involved, yet

the courts would be reluctant to interfere when absolutely no justification is offered as to why the file lingered on in a particular office for as long as four months, particularly in the Advocate General's office which is well equipped with legal acumen and expected to be aware of law of limitation. We do not intend to treat the State any differently from a common litigant to afford it a longer rope than to an ordinary individual approaching for redressal of his grievance.

The Hon'ble Supreme Court in *Office of the Chief Post Master General & ors. v. Living Media India Ltd. & Anr.* **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.”

Keeping in view the aforesaid, we are of the view that the explanation for delay offered by the appellant is not worth acceptance.

Appeal dismissed on the ground of delay.

(MAHESH GROVER)
JUDGE

06.04.2017
dss

(SHEKHER DHAWAN)
JUDGE

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