

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

LPA No.524 of 2017 (O&M)

Date of Decision :24.10.2017

State of Haryana and others

....Appellants

Versus

Suresh Kumar (now deceased) through
his LRs and another

....Respondents

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MR.JUSTICE RAJ SHEKHAR ATTRI

....

Present: Mr.Samrath Sagar, Additional Advocate General,
Haryana.

....

MAHESH GROVER, J. (Oral)

This appeal against the judgment of the learned Single Judge dated 21.04.2016 has been filed after a delay of 224 days. The explanation rendered in the application under Section 5 of the Limitation Act is on account of the procedures. We may extract the relevant portion of the said application :-

“2. That after obtaining the certified copy of the order dated 21.04.2016, the office of Advocate General, Haryana has tendered its legal opinion vide letter memo No.45160 dated 24.09.2016 that the case is not fit for filing LPA with a copy of letter to L.R., Haryana,

Chandigarh. The office of L.R Haryana vide his office memo No.37978-82 dated 04.10.2016 has intimated that their department is also agreed with the views of Advocate General, Haryana, Chandigarh that the case is not fit for filing LPA.

3. That the case was examined by the Head of the Police Department and it was decided that the case was fit for filing LPA, hence, the office of Director General of Police, Haryana made a request to the office of Additional Chief Secretary to Govt. Haryana, Home Department, Chandigarh to accord official sanction for filing LPA on behalf of State of Haryana/department vide letter endst.No.11797-800/LA-3 dated 07.12.2016.
4. That the office of Additional Chief Secretary to Govt. Haryana, Home Department, Chandigarh vide his letter memo No.2/429-430/2014-1 HG-IV dated 28.12.2016 accorded the sanction of the Governor of Haryana for filing LPA in the Hon'ble Punjab & Haryana High Court, Chandigarh. The copy of letter was also sent to the office of L.R. Haryana for issuing necessary

instruction to the Ld.Advocate General, Haryana, Chandigarh for filing LPA.

5. That the office of L.R., Haryana, Chandigarh has further issued the instructions to the Advocate General, Haryana, Chandigarh for filing LPA vide his letter memo No.628 dated 11.01.2017.
6. That the office of Advocate General, Haryana after obtaining all the necessary documents and preparation of grounds of appeal has filed the present appeal. In all the above process, reasonable delay has caused.”

A perusal of the above indicates the callous nature on which the entire matter has been dealt with. The order was passed on 21.04.2016 and there is no explanation why it languished in the office of Advocate General, Haryana upto 24.09.2016. Even thereafter the file merely meandered its way from various channels of conflicting opinions and even after the conclusive opinion was given on 07.12.2016 the appeal was filed as late as on 02.03.2017.

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 appellants is not worth acceptance.

Appeal dismissed on the ground of delay.

(MAHESH GROVER)
JUDGE

24.10.2017
dss

(RAJ SHEKHAR ATTRI)
JUDGE

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