

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

LPA No.548 of 2017 (O&M)

Date of Decision :11.07.2017

Uttar Haryana Bijli Vitran Nigam Limited
and another

....Appellants

Versus

Smt.Santra

....Respondent

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

....

Present: Ms.Ruchita Garg, Advocate
for the appellants.

....

MAHESH GROVER, J. (Oral)

This appeal is directed against the judgment of the learned Single Judge dated 18.05.2016 but filed after an inordinate delay of 263 days. The reasons for delay have been given in paras 2 to 4 of the application filed under Section 5 of the Limitation Act, which we consider appropriate to extract herebelow :-

“2. That the certified copy of the impugned judgment dated 18.05.2016 in CWP No.23689 of 2014 was received through Court on 20.06.2016 and for implementation of order the LR HPU asked for the comments of the Chief Accounts

Officer UHBVN, Panchkula. The dealing hand of Executive Engineer, 'OP' City Division, UHBVN, Sonapat visited the office of Chief Accounts Officer UHBVN, Panchkula as advised by LR and submitted the copy of decision along with LR advise for comments in the matter. The reminder of the same have been given to the Chief Accounts Officer, UHBVN, Panchkula on 27.09.2016. The Official from the office of Executive Engineer, again visited the office of Chief Accounts Officer UHBVN, Panchkula and CAO, UHBVN, Panchkula referred the matter to Accounts Officer/Admn., UHBVN, Panchkula on 07.10.2016.

3. That Chief Accounts Officer again referred the matter to Senior Accounts Officer pension to take up the matter with XEN 'OP' City Divn, UHBVN, Sonapat. The Senior Accounts Officer, Pension further referred the matter on 24.10.16 to the Accounts Officer and the Accounts Officer asked for submission for service book and relevant records on 02.11.2016 to examine the same in light of prevalent instructions and

necessary comments to quarter concerned. The same were submitted to Accounts Officer for fixation of pay on 15.11.2016. The Sr.Accounts Officer/PF for Senior Accounts Officer UHBVN, Panchkula imparted his comments on 17.11.2016 to LR HPU Panchkula and further the LR HPU Panchkula on 29.12.2016 sent his advice for filing the LPA in CWP No.23689/2014 which was received on 15.02.2017.

4. That the then by the time the documents were supplied to the counsel for filing the appeal and the appeal was filed a delay of 263 days occurred which is neither intentional nor willful but is only on account of mis-calculation of days.”

The aforesaid explanation shows loose narration of events referring to shuffling of file and no particulars of the officials who have dealt with the files are furnished so as to understand the exact cause of delay.

Even though some leeway can be given to the appellant-Corporation to condone the delay on account of the procedures involved, yet the courts would be reluctant to interfere when absolutely no justification is offered as to why the file

languished in a particular office well equipped with legal acumen and expected to be aware of the law of limitation. In our opinion, the Corporation should not be treated any differently from a common litigant to afford it a longer rope than that given to an ordinary litigant approaching Courts 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.”

We thus find no reason to condone such an inordinately long delay which has not been explained satisfactorily.

Dismissed.

(MAHESH GROVER)
JUDGE

11.07.2017
dss

(RAJ SHEKHAR ATTRI)
JUDGE

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