

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

LPA No.612 of 2017 (O&M)

Date of Decision : 25.07.2017

Malout Institute of Management &
Information Technology

....Appellant

Versus

The Presiding Officer, Industrial Tribunal,
Bathinda and others

....Respondents

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

....

Present: Mr. Naveen Batra, Advocate
for the appellant.

....

MAHESH GROVER, J. (Oral)

This appeal is directed against the judgment of the learned Single Judge dated 27.11.2015 but filed after an inordinate delay of 463 days. The reasons for delay have been given in para 2 of the application filed under Section 5 of the Limitation Act, which are extracted herebelow :-

“2. That the impugned judgment is passed on 27.11.2015 and appellant is Govt. Institute and governed by the Board of Governors headed by Hon'ble Technical Education Minister, Punjab the Principal Secretary, Technical Education and Industrial Training, Punjab is the Vice Chairman.

The tenure of the B.O.G.of the institute is 03 years and re-constitution of the B.O.G. involves a long process. The tenure of the B.O.G. was expired on 05.03.2016 and the same was re-constituted on 22.08.2016 by the Govt. of Punjab. The matter regarding filing LPA in the Hon'ble High Court was discussed with the concerned authorities from time to time. Secondly, the petitioner deceased Mr. Karamjit Singh being worker of outsourcing agency, took support of fake and false documents to plead the case. The Institute took time to check the genuineness of the fake documents, but in doing so, a bona fide delay of 463 days is occurred which is unintentional and only due to the aforesaid facts.”

The aforesaid explanation reveals that the appellant is a Govt. Institute governed by the Board of Governors headed by Hon'ble Technical Education Minister, Punjab. The tenure of the Board of Governors expired on 05.03.2016 and the Board was reconstituted on 22.08.2016, after 5/1-2 months. The impugned judgment was rendered on 27.11.2015 and the appeal has been filed after an inordinate delay of 463 days. There is no explanation regarding shuffling of file and particulars of the officials who have dealt with the same so as to enable us to

understand the exact cause of delay.

We cannot shut our eyes to such callousness and treat the State or its functionaries differently than a common litigant while dealing with matters of limitation to grant indulgence by overlooking such procedural delays and we would not be unjustified to expect some alertness at the hands of a litigant who wishes to approach this Court in no matter what proceedings.

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

25.07.2017
dss

(RAJ SHEKHAR ATTRI)
JUDGE

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