

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

**LPA No.652 of 2017 (O&M)**

**Date of Decision : 19.07.2017**

The Divisional Manager, Chandigarh  
Transport Undertaking, Chandigarh

....Appellant

Versus

The Presiding Officer, Industrial Tribunal and  
Labour Court, Union Territory, Chandigarh  
and another

....Respondents

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

....

Present: Mr. Vikas Bali, Advocate  
for the appellant.

....

**MAHESH GROVER, J.** (Oral)

This appeal has been filed against the judgment of the learned Single Judge dated 09.12.2016 after a delay of 102 days. We may extract the reasons of delay given in the application under Section 5 of the Limitation Act herebelow :-

“2. That the opinion for filing the present appeal was taken from the legal department and due to the official routing of the file the delay has occurred which is unintentional and in this way delay of 102 days has occurred.”

The aforesaid being solitary explanation offered, we are of the opinion that the application does not deserve acceptance as it sans any plausible explanation offered for condonation of delay. Even though the law would not require a very strict explanation for each

day's delay considering numerous judgments to that effect but then also the court cannot overlook the fact that an application filed without any explanation at all would require rejection outright, particularly when the appeals are filed by the State equipped with legal departments and plenty of sources from where legal opinion can be obtained.

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.

That apart, we notice from the impugned judgment that though the conductor was charged with misconduct on the basis of inspection conducted by the Inspector, the complaint was lodged two days thereafter. The misconduct is centred around a sum of Rs.331/- only. We are thus of the opinion that the appellant has unjustifiably pursued this matter using its might against a lowly employee of the Undertaking. Even though misappropriation by an employee cannot be condoned no matter what the amount, but the fact remains that the Inspector of the Undertaking himself defaulted in not reporting the matter for as long as two days which caused a serious doubt on their version.

No ground to interfere.

Dismissed.

(MAHESH GROVER)  
JUDGE

19.07.2017  
dss

(RAJ SHEKHAR ATTRI)  
JUDGE

|                           |        |
|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |