

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

**C.M. No.4418-C of 2017 in/and
RSA No.1820 of 2017(O&M)
Date of Decision: 4.05.2017**

State of Haryana & ors.

... Appellants

Versus

Saroj

... Respondent

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. RT Redhu, DAG, Haryana,
for the appellants.

RAJIV NARAIN RAINA, J.(Oral)

This appeal has been filed with in inordinate delay of 753 days.

Mr. Redhu vehemently argues that the application under Section 5 of the Limitation Act, which is supported by an affidavit deserves to be allowed and delay of 753 days may be condoned as many layers of steps had to be taken in forming opinion before the appeal was presented leading to the delay. The delay obviously has been caused by the proverbial red tape and the explanation routinely offered by the State in their belated appeals. In many cases appeals are filed late aimed at only delaying implementation of the decree and to avoid attachment of property belonging to the State in execution proceedings or when facing prospect of contempt proceedings. This is not good conduct in the functionaries of the State. Such type of delays caused by the State and its offices in presenting appeals have been deprecated by the Supreme Court in Office of the Chief Post Master General & ors. v. Living Media India Ltd. & anr., 2012(2) SCT 269 observing:-

“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.”

This is not a case where any substantial injustice has resulted from the decree against the State in a service matter. I find hardly any sufficient or cogent ground to entertain the appeal, there being insufficient cause shown to condone such a humongous delay. Accordingly, the application under Section 5 of the Limitation Act is rejected and consequently, the main appeal itself is dismissed.

4.05.2017
monika

(RAJIV NARAIN RAINA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>No</i>