

THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE M.GANGA RAO

I.A.No.2 OF 2018 in WRIT APPEAL No.1042 OF 2018
and
WRIT APPEAL No.1042 OF 2018

COMMON ORDER: (per Hon'ble Sri Justice Sanjay Kumar)

The officials of the Andhra Pradesh Eastern Power Distribution Company Limited seek to file this appeal against the order dated 13.04.2017 passed by a learned Judge of this Court allowing W.P.No.11974 of 2006 filed by the respondent herein. As the appeal was presented with a delay of 425 days, I.A.No.2 of 2018 was filed therein seeking condonation of the said delay.

The reason for the delay is set out in para 4 of the supporting affidavit and it reads as under:

"It is submitted that the copy of order dated 13.04.2017 was submitted by the petitioner along with representation in the month of February 2018 and the same mixed up with other officer records. Under the instructions of higher authorities a copy application was made on 14.02.2018 vide CD No.2323, the same was received by us on 20.02.2018, thereafter, the same was sent to the Higher authorities through proper channel. It is submitted that as per the regulations of APEPDCL, instructions of the management that no person can be granted for a pension who has not completed 10 years service, upon the advice of our Standing Legal Advisor, we have initiated process for filing Writ Appeal, after obtaining necessary sanction. Thereafter we requested our Counsel to prepare Writ Appeal, and file the same before this Hon'ble Court. Accordingly, the present writ appeal was prepared by our SLA and filed the same before this Hon'ble Court today i.e., on 13.07.2018. I submit that the limitation for filing the writ appeal is one month from the date of receipt of order in W.P.No.11974 of 2006. But for the reasons stated supra, we could not file the writ appeal in time and as such a delay of 425 days occurred in filing the writ appeal. The above said delay in filing the appeal is neither deliberate nor wanton but, for the reasons stated supra. We were advised that we have fair chances in the writ appeal and in the event if the said delay in filing the writ appeal is not condoned the department will be put to suffer irreparable loss and injury. Hence this petition."

It is not in dispute that the appellants were represented by a counsel before the learned Single Judge and were therefore well aware of the passing of said order as long back as on 13.04.2017. However, it is an admitted fact that they did not even choose to make a copy application till 14.02.2018. No explanation whatsoever is forthcoming as to why they did not take any steps till that date, being well aware that the writ petition had been allowed as long back as on 13.04.2017.

The practice of filing condonation of delay petitions lackadaisically on the strength of casually drafted affidavits which do not even purport to put forth the semblance of an excuse for seeking condonation of such delay needs to be condemned in no uncertain terms. A party approaching the Court with delay is duty bound to explain the reasons for such delay. Unfortunately, it has become the habit of the Government and its instrumentalities to assume that the delay would be condoned as a matter of course and need not be justified by offering valid reasons. The aforestated paragraph 4 in the supporting affidavit clearly demonstrates that this is a case of that nature.

I.A.No.2 of 2018 in W.A.No.1042 of 2018 is accordingly dismissed.

In consequence, W.A.No.1042 of 2018 is also dismissed.

Other pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.

SANJAY KUMAR, J

Date: 10.09.2018

M. GANGA RAO, J

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