

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

I.A.No.1 OF 2018 IN WRIT APPEAL No.1146 OF 2018
AND
WRIT APPEAL No.1146 OF 2018

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

The State of Telangana and its Joint Director of Pensions filed this writ appeal aggrieved by the order dated 03.04.2018 passed by a learned Judge of this Court in W.P.No.39107 of 2016. However, the appeal was presented with a delay of 132 days and I.A.No.1 of 2018 was filed seeking condonation of the said delay.

The only explanation offered for the delay is in para 6 of the supporting affidavit and it reads as under:

“It is further submitted that the delay so caused is neither intentional nor wanton but due to the administration reasons (i.e. the work of issuing Form 16 to the old aged pensioner's/receiving of Annual Verification certificates viz. IAS/IPS/Judiciary/UGC/OG/ State Govt.,) and if the delay of 132 days is not condoned, petitioners will be put to irreparable loss and untold hardships.”

There is no mention as to why the delay of over four months was caused just because the deponent to the affidavit was busy with issuing some forms. It is not as if the entire office would be handicapped merely because the deponent to the affidavit was involved in some other work. That apart, we find that the judgment of the learned single Judge was rendered in the light of the law laid down by the Supreme Court in State of Punjab v. Rafiq Masih (White Washer) ¹. That being so, we fail to understand as to why the State is even in appeal against the said order.

¹ (2015) 4 SCC 334

In any event, 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 6 in the supporting affidavit clearly demonstrates that this is a case of that nature. We find that no acceptable reason has been offered at all for us to condone the delay.

I.A.No.1 of 2018 in W.A.No.1146 of 2018 is accordingly dismissed. In consequence, W.A.No.1146 of 2018 is also dismissed.

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

SANJAY KUMAR, J

M. GANGA RAO, J

Date: 11.09.2018
IBL