

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

I.A.No.2 OF 2017(W.A.M.P.No.3650 of 2017)
IN WRIT APPEAL No.1885 OF 2017
AND
WRIT APPEAL No.1885 OF 2017

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

The appellant, B.Narsimlu, Office Subordinate, Agriculture Department, Adilabad, is the petitioner in W.P.No.37088 of 2016. In the cause title of the said writ petition as well as this appeal, he described himself as the President of Telangana Class IV Employees Central Association, District Branch, Adilabad. He is presently aggrieved by the order dated 03.01.2017 passed by a learned Judge of this Court dismissing the writ petition filed by him. As the appeal was presented with a delay of 307 days, he filed I.A.No.2 of 2017 (W.A.M.P.No.3650 of 2017) therein seeking condonation of the said delay.

Sri V.Venkata Mayur, learned counsel appearing for the fifth respondent herein, fifth respondent in the writ petition, filed a counter-affidavit contesting the condone delay petition.

The ground set out to justify the delay is found in para 3 of the supporting affidavit. Therein, the appellant-writ petitioner stated that after the dismissal of the writ petition on 03.01.2017, his counsel obtained a copy of the order on 10.01.2017 and intimated him of the same in the last week of January, 2017. He admits that he approached his counsel in the second week of February, 2017, and was advised to file an appeal. According to him, as the issue related to the Association, they had to discuss it with the District body as well as consult the State body and in

this process, some delay occurred. It is on this ground, the appellant-writ petitioner sought condonation of the delay.

As already stated supra, the writ petition was filed by B.Narsimlu in his individual capacity though he described himself as the President of Telangana Class IV Employees Central Association, District Branch, Adilabad, in the cause title. Having filed the writ petition in his individual capacity and in his own name, we fail to understand as to why he had to place the issue before the District body or the State body of the said Association. That apart, we find that no details have been furnished as to when the District body or the State body looked into the matter. It may be noted that the delay is not insubstantial and extends to over ten months.

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 litigants to assume that the delay would be condoned as a matter of course and need not be justified by offering valid reasons. The affidavit filed in support of the condone delay petition clearly demonstrates that this is a case of that nature. Further, as the other side has filed a counter-affidavit contesting the condone delay petition, we necessarily have to address the issue and we find that no acceptable reason has been offered at all for us to condone the delay.

I.A.No.2 of 2017 (W.A.M.P.No.3650 of 2017) in W.A.No.1885 of 2017 is accordingly dismissed. In consequence, W.A.No.1885 of 2017 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: 04.09.2018
IBL

