

Sr.No.230

IN THE HIGH COURT OF PUNJAB AND HARYANA CHANDIGARH
LPA NO.314 OF 2017(O&M)
Date of Decision: 15.10.2018

Punjab State Forest Development Corporation Ltd. and others

.....Appellants

versus

Jatinder Singh and others

.....Respondents

**CORAM HON'BLE MR. JUSTICE MAHESH GROVER
HON'BLE MR. JUSTICE AMIT RAWAL**

Present Ms. Harpriya Khaneka, Advocate for the appellants.
Mr.Anmol Rattan Sidhu, Sr.Advocate
with Mr. Arun William, Advocate for respondent no.1.

MAHESH GROVER, J(ORAL)

Although an appeal has been filed against the order of the learned Single Judge dated 25.03.2015, it has been conceded before us that the writ petitioners have since been accommodated in terms of the order dated 25.03.2015.

The only argument that has been raised before us is that in the exercise of jurisdiction in the Letters Patent, we should clarify that the order of the learned Single Judge should not be construed as a precedent for anybody else to derive benefit.

We are of the opinion that no such direction can be given considering that the learned Single Judge's direction to accommodate the employees of the Corporation was based on the policy dated 02.08.2011.

Learned counsel for the appellants contends that indeed this policy has not been adopted by the Government.

Be that as it may, there is no challenge on this aspect of the policy. Having accepted it, we are not interfering in the Letters Patent Appeal in the passing of an order. In case some other employees base their claim on the judgment, it would be open to the appellants to place

LPA NO.314 OF 2017(O&M) -2-

interpretation on it in case they want to deny the claim.

That apart, we find absolutely no ground to condone the delay of 668 days in filing the appeal. Financial burden to be borne by Corporation is not a strong ground for condonation of delay. The Hon'ble Supreme Court in **Office of the Chief Post Master General & Ors.vs. Living Media India Ltd. And anr. 2012(2) SCT 269** has observed as under:-

“13. In our view, it is the right time to inform all Government bodies, their agencies and instrumentalities that unless they have reasonable and acceptable explanation for the delay and there was bonafide 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.”

We have in numerous pronouncements taken a similar view to decline interference in appeals which are barred with substantial delay. We are, therefore, of the opinion that the instant appeal deserves to be dismissed on the ground of limitation alone.

Ordered accordingly.

(MAHESH GROVER)
JUDGE

15.10.2018
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(AMIT RAWAL)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No