

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

LPA-1112-2018 (O&M)
Date of Decision: December 17, 2018

Amarjit Singh

...Appellant

Versus

Presiding Officer, Labour Court, U.T., Chandigarh and another
...Respondents

CORAM: HON'BLE MR. JUSTICE KRISHNA MURARI,
CHIEF JUSTICE.

HON'BLE MR. JUSTICE ARUN PALLI, JUDGE.

Present: Mr. Raj K. Narang, Advocate,
for the applicant/appellant.

KRISHNA MURARI, C.J. (ORAL)

Heard learned counsel for the appellant.

This intra-court appeal, under Clause X of the Letters Patent is directed against the judgment and order dated 10.10.2014, rendered by the learned Single Judge. The office has reported a delay and laches of 1227 days in presenting the appeal. The only explanation submitted for this inordinate delay is contained in paragraph 2 of the application filed under Section 5 of the Limitation Act, which is being reproduced hereunder:

“2. That the Appellant is very less educated and almost illiterate person. He has been fighting against the system since 1995 and constant on the door steps of court of since 1996, still craving for justice. The CWP no. 2077 of 2014 was decided on 10.10.2014 and the Appellant came to know

about the order in the end of 2014 and as being old age and having eye sight and knee problem, it was very difficult for me to travel frequently. After knowing about order, I got depressed after seeing my last hope got shattered. After this long court fight I am almost financial broke and having no saving for future. But after some time I gather some courage and information how to file appeal. But I always consult with lawyer they demanded whole paper book and evidence with supporting papers. So, took me months to collect papers as being very old case and still some important paper are missing as misplaced by the lawyers or me. So I have file RTIs but still no reply has been or paper I have received from the department. My old age, my mental depression and financial problems caused this so much delay and no loss is suffered by the respondents due this delay.”

There is hardly any material worth the name to substantiate the submission that the appellant was under depression and suffering from eye-sight and knee problem. In our considered opinion in the absence of medical evidence, to demonstrate that he was suffering from any medical problem, the submissions seems to have been cooked up for explaining the delay and laches of 1227 days in approaching this Court in intra-court appeal. The delay is not liable to be condoned without any proper and plausible explanation. We find that the explanation rendered by the

appellant lacks *bona fide* and seems to be a made up story only for the purpose of condonation of delay in filing the appeal. Thus, in the absence of any plausible reason, the inordinate delay of almost four years in filing the appeal is not liable to be condoned on such vague and irrelevant explanation. Accordingly, the appeal stands dismissed as barred by limitation.

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

December 17, 2018

Pk Kapoor

Whether Speaking/Reasoned: YES / NO
Whether Reportable: YES / NO