

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**LPA No.1627 of 2018 (O&M)
Date of Decision :15.10.2018**

The State of Punjab and another

.....Appellants

Versus

Darshan Singh and others

..... Respondents

**CORAM: HON'BLE MR.JUSTICE KRISHNA MURARI, CHIEF JUSTICE
HON'BLE MR.JUSTICE ARUN PALLI, JUDGE**

Present : Ms. Monika Chhibber Sharma, Sr. DAG, Punjab.

KRISHNA MURARI, CHIEF JUSTICE (Oral):

This *intra court* appeal under clause-X of the Letters Patent Appeal is filed by the State of Punjab against the order of learned Single Judge dated 31.05.2016. The office has reported 830 days delay and laches in filing the appeal. The appeal is accompanied by an application under Section 5 of the Limitation Act supported by an affidavit.

A perusal of the averments made therein goes to show that after certain corrections were made in the judgement certified copy is alleged to have been received on 22.06.2017 through the respondents. It is to be taken note of that the State was the party and had contested the proceedings before the learned Single Judge. Thereafter what has been stated is that on account of shifting the office of DPI(C), Punjab the file related to the case was placed in the bag and the record was shifted to a store where it remain pending and was recovered on 26.07.2017 and was submitted for opinion to the Officers. There is no disclosure of the circumstances which led to the

recovery of the file after about 2 months. It is further stated that the letter dated 17.08.2017 was written to the competent authority to obtain legal opinion from the learned Advocate General, Punjab. Again there is no disclosure of the fact that as to why it took almost three weeks to write a letter to the competent authority to obtain the opinion, then a reminder was issued to the competent authority on 7.9.2017. Finally the opinion of the learned Advocate General is said to be received on 12.10.2017 for filing a Letters Patent Appeal. The matter is stated to have been again forwarded to the competent authority for sanction which was granted vide letter dated 18.11.2017. After almost about three weeks an another letter is said to be issued to the competent authority to issue the sanction under Article 19.1, the same was issued by the competent authority on 15.01.2018. Again finding that the sanction was not addressed to the learned Advocate General, Punjab, the same was rectified by issuing fresh sanction on 18.06.2018.

We find it really astonishing that the competent authority is stated to be Director of Public Instructions (Colleges), Punjab who is a responsible Officer took almost about 6 months to issue a fresh sanction. Thereafter, a search was made of an earlier Letters Patent Appeal said to have been filed by the Department of Health and Family Welfare and when the copy of the same was searched out the present LPA is said to have been prepared by the legal branch on 11.04.2018.

And further almost 5 months were taken in filing the appeal. The explanation submitted is absolutely vague and does not inspire any competence. Besides, above the explanation submitted lacks bonafides and seems to have been manufactured only for the purposes of explaining the

delay and the same does not inspire any confidence.

The negligence of the officials responsible for filing the appeal is writ large on the record. The litigant may be it State or its instrumentality would not be entitled for indulgence from the Court for condonation of delay if it moves with slackness. The case in hand is a classic example where the officials have moved at their own leisure and took their own time to file the LPA. In the absence of any plausible and satisfactory explanation of inordinate delay and laches we are not inclined to condone the delay. Accordingly, the application under Section 5 of the Limitation Act stands dismissed. As a consequence the appeal stands dismissed as barred by limitation.

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

15.10.2018

Manoj Bhutani

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