

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

LPA-510-2019 (O&M)

Date of decision:- 01.04.2019

State of Haryana and others

...Appellants

Versus

H.C. Verma and others

...Respondents

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

Present:- Mr. Sharad Aggarwal, Assistant Advocate General, Haryana,
for the appellants.

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KRISHNA MURARI, C.J. (ORAL)

This intra-Court appeal under clause-X of the Letters Patent is directed against the judgment and order dated 18.02.2016 passed by learned single Judge allowing the writ petition holding the petitioners/respondents entitled to pay-scales as recommended by respondent-Board in its meeting dated 15.10.1993 and setting aside the order passed by the authorities rejecting the claim.

Office has reported delay and laches of 1017 days in filing the appeal. The explanation submitted for this inordinate delay, as contained in application made under Section 5 of the Limitation Act is as under.

The judgment of the learned single Judge dated 18.02.2016 is alleged to have been downloaded from the website of the High Court on 31.05.2016. Thereafter, on 09.06.2016, the Superintendent and the dealing-hand of the Board of School Education are alleged to have discussed the case with the departmental officers and some information regarding comparison of pay-scales of Board employees of all categories with the

pay-scales of the employees working in Kurukshetra University and Haryana Civil Secretariat was required. Thereafter, the matter remained in correspondence with the Board for requisite information and ultimately the grounds of appeal and stay application were stated to have been prepared on 26.07.2016. It is further stated that the delay condonation application along with affidavit was prepared on 12.08.2016, i.e., after almost one month of the preparation of grounds of appeal.

The allegations thereafter go to show that the file was being moved from one table to another and from one officer to another and, in the meantime, certain objections are stated to have been raised by the Finance Department on 17.11.2016 and the file was again sent to the Finance Department on 04.01.2017. It is also submitted that the Finance Department submitted its opinion dated 13.01.2017 that the case is unfit for filing the letters patent appeal and the department may seek advice of the Advocate General. It is nowhere disclosed that any advice from the learned Advocate General was obtained and, on the contrary, what has been stated is that after the opinion of the Finance Department, it was decided to file the LPA. Thereafter, some objections raised by the Law Officer with respect to pleadings, the draft of delay condonation application is said to have been approved on 18.04.2017 and it was sent to the office of Advocate General for vetting. Again, some objections are stated to have been raised. Thereafter, the defects were removed and a final draft of delay condonation application is alleged to have been sent to the office of Advocate General for filing the LPA. Again, some objections are stated to have been raised by the Law Officer. Thereafter, nothing has been stated as to when the defects were removed.

proposed against the delinquent official on account of whom the LPA could not be filed within time.

A perusal of the averments made in the application does not inspire any confidence and rather it depicts that a story is sought to be cooked up just for the purpose of condoning the delay. A litigant, be it a State, cannot be allowed to choose its own timing for approaching the Court. If the law prescribes a limitation, then that has to be followed and the delay is only liable to be condoned if there exists reasonable and plausible explanation for the same. It is not to be forgotten that on account of the delay caused vested rights get created in the other side which cannot be taken away lightly unless there exists a reasonable explanation for the delay.

In the case in hand, we do not find that there exists any reasonable explanation to condone the delay of 1017 days in filing the appeal.

The delay condonation application accordingly stands dismissed and, as a consequence, appeal stands dismissed as barred by limitation.

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

01.04.2019
Amodh

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