

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND  
HARYANA AT CHANDIGARH

C.R. No.8457 of 2015 (O&M)  
Date of Decision.23.01.2019

Punjab State Electricity Board and another ...Petitioners

Vs

Darshan Singh ...Respondent

**CORAM:HON'BLE MR. JUSTICE AMIT RAWAL**

Present: Ms. Promila Nain, Advocate  
for the petitioners.

Mr. Rohit Kumar, Advocate  
for respondent No.1.

-. -

**AMIT RAWAL J. (ORAL)**

The present revision petition is directed against the impugned order dated 07.08.2015 (Annexure P-1) whereby the application under Section 5 for condonation of delay in filing of the appeal has been dismissed.

Learned counsel for the petitioners submitted that the Court below ought not to have adopted such harsh approach and heard the appeal on merits by condoning the delay, as the delay was not intentional but occurred in the process of taking legal advice by the Department.

I am afraid aforementioned argument of Ms. Nain is not sustainable, for, concededly there is a delay of over one year in filing of the appeal. Delay caused by the Departments in completing their own paper works and seeking legal advice is not a ground for condoning delay, in view of ratio decidendi culled out in para 29 of the judgment of Hon'ble Supreme Court in **Office of the Chief Post**

**Master General and others Vs. Living Media India Ltd. and another (2012) 3 SCC 563**, which reads as under:-

*“29. In our view, it is the right time to inform all the government bodies, their agencies and instrumentalities that unless they have reasonable and acceptable explanation for the delay and there was bona fide 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 the government departments. The law shelters everyone under the same light and should not be swirled for the benefit of a few.”*

In view of such circumstances, I do not find any infirmity or illegality in the order under challenge, much less, the same cannot be said to be passed without jurisdiction.

Resultantly, the revision petition is dismissed.

**(AMIT RAWAL)**  
**JUDGE**

**January 23, 2019**  
Pankaj\*

Whether Reasoned/Speaking    Yes

Whether Reportable                No