

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

111

CM Nos.9724-25-C of 2018 in/and
Regular Second Appeal No.3796 of 2018

Date of Decision: February 14th, 2019

The State of Punjab and others

...Appellants

Versus

Preet Singh

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Ms. Kanica Sachdeva, Assistant Advocate General, Punjab,
for the applicants-appellants.

AUGUSTINE GEORGE MASIH, J. (ORAL)

CM No.9724-C of 2018

There is a delay of 1326 days in filing the appeal.

On 02.07.2018, this Court had come to a conclusion that the affidavit, which has been filed explaining the delay, was not satisfactory and, therefore, a detailed affidavit of a responsible officer explaining the various facts, which have culminated in delay in filing the appeal, was sought. Thereafter two dates were given at the request of the counsel for the appellants. On 23.10.2018, learned counsel for the State had sought last opportunity for filing the requisite affidavit in compliance with the earlier order dated 02.07.2018, when the case was adjourned for today. Today again, no affidavit has been filed. It is apparent that the appellants do not want to file a detailed affidavit explaining the delay and, therefore, it is presumed that the appellants have nothing more to say except for the explanation, as has been given in the application which has been filed for condonation of delay.

Perusal of the said application would show that there is no
detail and the dates mentioned with regard to the opinion which was given

as to when the District Attorney had written to the Director, Prosecution and Litigation, Punjab, holding it to be a fit case for filing the appeal. What transpires, it appears is that after the judgment has been passed by the learned Additional District Judge, Fazilka, on 16.07.2014, Government of Punjab vide letter dated 07.05.2015 had issued instructions for filing the Regular Second Appeal, which was received in the office of the General Manager, Punjab Roadways, Ferozepur, on 08.05.2015. Thereafter on 04.06.2015, a new officer namely Shri Shah Bhurat Singh was appointed, who was provided with the relevant documents along with the other case files. He did not file the cases which were handed over to him and ultimately resigned on 24.04.2017. The documents were stated to be in possession of the Law Officer but nothing has been mentioned as to what efforts were made to collect the documents and when or where the same were received back from him.

The next reference which comes is that of an appointment of a new Law Officer on 04.12.2017, whereafter steps were taken to file the present appeal, which was filed ultimately on 01.06.2018. Nothing has been mentioned with regard to the interim period from December 2017 till the filing of the appeal in June 2018.

This is how the office of the General Manager, Punjab Roadways, Ferozepur, functions as despite giving various opportunities to file a better affidavit explaining the inordinate delay in filing the appeal, the said opportunity has not been availed. As is apparent from the affidavit, which has been filed, not only both the Law Officers were responsible for the delay in filing the appeal, the General Manager,

the supervisor has not taken any steps to ensure that the decision given by the Court, for which an opinion had been duly received for filing an appeal with a further sanction from the Government of Punjab vide letter dated 07.05.2015, is complied with.

In the light of the above, the present application is dismissed with ₹20,000/- as costs to be paid by the General Manager(s), Punjab Roadways, Ferozepur, who was/were holding the charge during the period 08.05.2015 till the filing of the appeal on 01.06.2018. The said costs be deposited with the High Court Legal Services Committee within a period of one month from today.

CM No.9725-C of 2018 and RSA No.3796 of 2018

Since the application for condonation of delay has been dismissed by this Court, the appeal is dismissed as time barred and as a consequence thereof, the application for stay i.e. CM No.9725-C of 2018, is also dismissed.

List on **02.04.2019** for the Registry to inform the Court as to whether the costs have been deposited as per the order passed or not.

February 14th, 2019
Puneet

AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No