

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

LPA No. 683 of 2020 (O&M)

Date of Decision: 9th October, 2020

Central Industrial Security Force through Its Director General and another

....Appellants

VERSUS

Kuldeep Singh Kanwar

....Respondent

**CORAM: JUSTICE S. MURALIDHAR
JUSTICE AVNEESH JHINGAN**

Present: Mr. Satya Pal Jain, Senior Advocate
Additional Solicitor General of India with
Ms. Puneeta Sethi, Advocate, Senior Panel Counsel for UOI
for the Appellants.

Dr. S. Muralidhar, J.

1. There is a delay of 171 days in filing the present appeal. The relevant portion of the application seeking condonation of delay reads as under:

“2. That the Petitioner being a Govt. organization has to follow the prescribed/proper procedure and has to seek necessary sanction from the Govt., which requires lot of procedural steps and is time consuming. Moreover, due to the lockdown on account of the Corona Pandemic and the virtual shut down of all the mechanisms, necessary steps got delayed. On opening of the lockdowns in a phased manner, the necessary steps were taken, the appeal was got drafted and is being filed. It is on this account of the reasons stated hereinabove that a delay of 171 days has occurred in filing the present appeal on account of procedural wrangles and also the pandemic situation, which was beyond the control.”

2. The Supreme Court in numerous judgments, including *The Chief Post Master General v. Living Media India Ltd. (2012) 3 SCC 563* and more recently, *State of Bihar v. Deo Kumar Singh 2019 SCC OnLine SC 1314* has unequivocally expressed its displeasure at the failure of government authorities to come up with satisfactory explanation for every day's delay.

3. The Court is of the view that the explanation sought to be furnished by the Appellant/Union of India does not at all satisfactorily account for every day's delay in filing the present appeal. The Court is therefore not inclined to condone the delay of 171 days in filing the appeal and, as such, dismisses the application. On this count alone, the main appeal is also liable to be dismissed.

4. Nevertheless, the Court has also examined the impugned order dated 27th August, 2019 of the learned Single Judge on merits. The Courts notices that the total claim of the Respondent herein for medical reimbursement on account of heart surgery was to the tune of Rs. 2,41,776/-. This was incurred on account of a surgery that was performed way back on 5th December, 2010. After going around in circles for more than 4 years, the Respondent received a communication dated 19th March, 2015 from the present Appellant, rejecting his claim for reimbursement. That is what prompted him to approach this Court for relief by way of CWP No. 27697 of 2017, which petition came to be allowed by the learned Single Judge by the impugned order.

5. In the facts and circumstances of the case, the Court does not consider it appropriate to interfere with the impugned order on merits. The Court however clarifies that the impugned order will not constitute a precedent for future cases.

6. The time of 2 months granted to the Appellant/Union of India by the learned Single Judge for reimbursing the aforementioned amount is extended by a period of 2 months from today.

7. The appeal is dismissed on the ground of delay as well as on merits, with the above observations.

(S. MURALIDHAR)
JUDGE

(AVNEESH JHINGAN)
JUDGE

9th October, 2020
jk

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