

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

239

**CM-231-LPA-2020 in/and
LPA-78-2020 (O&M)
Decided on :07.12.2022**

State of Haryana & another

.....Appellant(s)

Versus

Radhey Shyam & others

.....Respondent(s)

**CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA
HON'BLE MS.JUSTICE HARPREET KAUR JEEWAN**

Present: Mr.Sharan Sethi, Addl.A.G., Haryana.

Mr.R.S.Khosla, Sr.Advocate
with Ms.Bhaoti Pujara, Advocate, for the respondents.

G.S. Sandhawalia, J. (Oral)

Consideration in the present Letters Patent Appeal is to the order dated 18.11.2015, passed by the learned Single Judge in CWP-13458-1994.

The appeal is barred by 1428 days in filing. A perusal of the application for condonation of delay would go on to show that the Advocate General, Haryana gave the opinion on 05.03.2016 that it was not a fit case for filing the appeal. Resultantly, speaking order dated 03.11.2017 was passed in compliance of the order rejecting the claim. In COCP-2820-2017, it was noticed that the speaking order was not as per the impugned order and the matter was again considered and referred to the Finance Department, Haryana on 18.07.2019. The Finance Department had given its concurrence on 09.12.2019 to the revised Pay-scales but subject to the outcome of the LPA. It is in such circumstances, the delay is sought to be condoned.

It is apparent that no effort was made to contest the matter at the initial stage. Only on account of the enforcement of the orders by the Contempt Court, the benefit has been granted of revising the Pay-scales. The delay is inordinate which cannot be condoned, in view of the settled law that the Government cannot be put on a different pedestal. Reliance can be placed upon judgment passed by the Apex Court in **Office of the Chief Post Master General & others Vs. Living Media India Ltd. & another, 2012 (3) SCC 563** wherein it has been held that the Government departments are under a special obligation to ensure that they perform their duties with diligence and commitment and once they fail to give any cogent reasons to condone the delay, the delay is not liable to be condoned. They cannot take advantage of the impersonal machinery and inherited bureaucratic methodology and the law of limitation binds them equally.

Accordingly, in view of the above discussion, the application for condonation of delay of 1428 days in filing the present appeal is dismissed. Resultantly, the main appeal is also dismissed.

(G.S. SANDHAWALIA)
JUDGE

07.12.2022
sailesh

(HARPREET KAUR JEEWAN)
JUDGE

Whether speaking/reasoned :	Yes/No
Whether Reportable :	Yes/No