

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

RSA No.2625 of 2019 (O&M)

Date of Decision: 05.04.2022

LIC of India and others

.....Appellants.

Versus

Rajinder Saini

.....Respondent.

CORAM: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present:- Mr. Akshay Jain, Advocate
for the appellants.

MEENAKSHI I. MEHTA, J.(Oral)

CM No.7201-C of 2019

The applicants-appellants have preferred this application, along-with the main appeal bearing **RSA No.2625 of 2019**, for seeking condonation of the delay of 652 days in filing the said appeal, while averring that the requisite permission for this purpose was granted by the Zonal Office of the applicant-Corporation at New Delhi but at that time, the process of promotions and transfers of the officials/officers of the Corporation was going on and due to this reason, the relevant file could not be sent to the quarter concerned well in time and thus, this lapse/delay on the part of the applicants was not an intentional one.

It is worth-while to mention here that the Manager (Legal) of the applicant-Corporation has submitted his affidavit deposing therein that the requisite file could not be sent to the quarter concerned as the same had

been tagged with the file of the **Criminal Complaint Case bearing No.265 of 14.06.2006** titled as “**Rajinder Saini Versus LIC and others**” preferred by the respondent, which was ultimately dismissed for want of prosecution vide order dated 20.01.2015.

I have heard learned counsel for the applicants-appellants and have also perused the file carefully.

As mentioned in Para No.2 of the application, the judgment impugned in the appeal was pronounced on 10.04.2017 and the applicants applied for supply of the certified copy thereof on 05.05.2017 and the same was prepared and delivered to them (applicants) on 08.05.2017. Though, the applicants have tried to explain the afore-referred delay in filing the appeal by taking the plea that at the relevant time, a round of transfers and promotions was going on in the applicant-Corporation and therefore, the documents required for the purpose of filing the appeal, could not be forwarded to the concerned quarter, well in time but however, this plea is not plausible at all because undisputedly, the transfers and promotions of the employees is a subject matter of internal management system of a particular employer and the same can, by no stretch of imagination, be construed to be a valid ground to condone the delay of as many as 652 days in filing the appeal.

As regards the depositions made by the Manager (Legal) of the applicant-Corporation in his said affidavit to the effect that the file containing the requisite documents had been tagged with the file of the said Criminal Complaint Case, the same also do not suffice at all to justifiably

explain the above-said delay, in view of the fact that in Para No.2 of the said affidavit itself, the afore-said deponent has categorically deposed that the said Complaint Case had been dismissed on 20.01.2015, i.e even prior to the pronouncement of the judgment dated 10.04.2017 assailed in the appeal.

As a sequel to the fore-going discussion, it follows that the application in hand is devoid of any merit and hence, it deserves dismissal. Resultantly, the same stands dismissed accordingly.

RSA No.2625 of 2019

Consequent upon the dismissal of the application bearing **CM No.7201-C of 2019**, the present appeal also stands dismissed as being time-barred.

April 05, 2022
Yag Dutt

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: *Yes*

Whether Reportable: *No*