

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

C.M. No.7744-CWP of 2021 and
RA-CW No.126 of 2021
Decided on:11.05.2022

Vijay Kumar

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Tapan Kumar Yadav, DAG, Haryana
for the applicant-respondents.

Mr. Karamveer Singh Banyana, Advocate
for the petitioner.

JAISHREE THAKUR J. (ORAL)

Prayer in the application is for condonation of delay of 1470 days in filing the review application seeking review of the order dated 16.03.2017 passed by this Court.

Counsel for the applicant-respondent would submit that the delay of aforesaid 1470 days in seeking review of the order dated 16.03.2017 has occurred owing to the fact that a legal opinion was sought in the matter from Advocate General, Haryana and from Legal Remembrancer, Haryana. It is further submitted that in the said official procedure, the aforesaid delay has occurred, which is neither intentional nor deliberate.

Reply has been filed on behalf of the non-applicant/petitioner to the application for condonation of delay.

Learned counsel for the non-applicant/petitioner would contend that the review application is liable to be dismissed on the ground of delay as it is

settled law that delay of each and every day is to be explained. It is also contended that as per government instructions dated 23.06.2017 issued to all the departments, it was directed that files pertaining to court matters should be given top priority and must be cleared on war footing and therefore, condonation of delay sought on account of lengthy official procedure is not plausible and thus, the application for condonation of delay as well as the review application are liable to be dismissed.

I have heard learned counsel for the parties and have perused the pleadings. This Court is of the opinion that condonation of delay of 1470 days due to lengthy official procedure is not a reasonable and plausible ground to condone the said delay. The Hon'ble Supreme Court in the judgment rendered in ***Chief Post Master General & Ors. vs. Living Media India Ltd. & Anr. (2012) 3 SCC 563*** while dealing with a matter of 427 days in filing the appeal, has held as under:-

“13. 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 bonafide 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 government departments. The law shelters everyone under the same light and should not be swirled for the benefit of a few. Considering the fact that there was no proper

explanation offered by the Department for the delay except mentioning of various dates, according to us, the Department has miserably failed to give any acceptable and cogent reasons sufficient to condone such a huge delay.”

In view of the aforesaid fact, the application for condonation of delay as well as the review application are dismissed on the ground of delay.

(JAISHREE THAKUR)
JUDGE

May 11, 2022

Pankaj*

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No