

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

126/2

CM-13500-CWP-2022 in/and
RA-CW-190-2022 in
CWP-4255-2020
Date of Decision: 05.09.2022

Retd. Insp. Om Parkash and others ... Petitioners

Versus

The State of Haryana and others ... Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Aditya Yadav, Advocate,
for the applicant-petitioners.

HARSIMRAN SINGH SETHI, J. (Oral)

The present application has been filed for condonation of delay of 172 days in filing the review application.

No justification has been given with regard to the condonation of delay of 172 days in filing the present review application.

As per the settled principle of law, the delay has to be explained to the satisfaction that the same was not intentional or was beyond the control of the applicant concerned.

In the present case, not even a single justification has been given by the applicant explaining the delay of 172 days in filing the review application.

Hon'ble the Supreme Court of India in Civil Appeal Nos.2474-2475 of 2012 dated 24.02.2012 titled as ***Office of Chief Post Master General and others vs. Living Media India Ltd. and another***, decided that where there is no proper explanation offered for the delay, the delay cannot be condoned. Relevant paragraphs of the abovementioned judgment are as

under:-

“2. The following issues arise for consideration:

a) Whether the Office of the Chief Post Master General has shown sufficient cause for condoning the delay of 427 days in filing SLPs before this Court.

Depending on the outcome of the above issue, other issues to be considered are:

b) Whether the impugned advertisement inserted in the Reader's Digest issue of December, 2005 is in conformity with the requirement of law.

c) Whether the Department has made out a case for interference under Article 136 of the Constitution of India to reopen concurrent findings of fact rendered by the High Court.

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 bona fide 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. Accordingly, the appeals are liable to be dismissed on the ground of delay.

14. In view of our conclusion on issue (a), there is no need to go into the merits of the issues (b) and (c). The question of law raised is left open to be decided in an appropriate case. In the light of the above discussion, the appeals fail and are dismissed on the ground of delay. No order as to costs.”

No ground is made out to grant the prayer as raised in the present application for condonation of delay of 172 days in filing the review application.

Consequently, the review application filed along with the application for condonation is also dismissed.

(HARSIMRAN SINGH SETHI)
JUDGE

05.09.2022
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Whether speaking/reasoned Yes/No

Whether reportable Yes/No