

CM-5214-CWP-2024;
CM-5213-CWP-2024 ;
CM-5215-CWP-2024 ;
CM-5216-CWP-2024 in/and
RA-CW-106-2024 in
CWP-23750-2015

2024:PHHC:044380

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(112)

CM-5214-CWP-2024;
CM-5213-CWP-2024 ;
CM-5215-CWP-2024 ;
CM-5216-CWP-2024 in/and
RA-CW-106-2024 in
CWP-23750-2015
Date of Decision : 03.04.2024

Asha Sharma

...Non-applicant/petitioner

Versus

State of Haryana and others

...Applicants/respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Harish Nain, Assistant Advocate General, Haryana
for the applicants-respondents.

Harsimran Singh Sethi J. (Oral)

CM-5214-CWP-2024 in/and RA-CW-106-2024

1.

The present review application has been filed alongwith the application for condonation of delay of 440 days in filing the present review application.
2.

Learned counsel for the applicants-respondents submits that the delay in filing the review application is neither intentional nor willful but due to the administrative and procedural reason.

CM-5214-CWP-2024;
CM-5213-CWP-2024 ;
CM-5215-CWP-2024 ;
CM-5216-CWP-2024 in/and
RA-CW-106-2024 in
CWP-23750-2015

2024:PHHC:044380

2

3. I have heard learned counsel for the applicants-respondents and have gone through the record with his able assistance.

4. Before proceeding further, the relevant reasons given for the condonation of delay in the application needs to be reproduced for the ready reference, which is as under :-

“3. That delay in the matter has occurred due to procedural and administrative reasons; same is neither intentional nor willful but bonafide. There is a delay of 440 days in the filing of the present Review Application.”

5. Not even a single reason has been given by the applicants-respondents as to on what administrative reasons or procedural difficulties, a delay of 440 days has occurred. It may be noticed that the order passed by this Court is dated 08.12.2022 and the opinion was given on 21.02.2023 to file a review. Despite the said fact, the review has been filed only on 13.03.2024. Nothing has come on record as to why more than one year was taken by the respondents to file the review petition.

6. As per the settled principle of law settled by the Hon'ble Supreme Court of India in Civil Appeal No. 2474-2475 of 2012 titled as ***Office of the Chief Post Master General and others Vs. Living Media India Ltd. and another***, decided on 24.02.2012, each day's delay is to be explained so as to satisfy the Court that the delay caused was beyond the

CM-5214-CWP-2024;
CM-5213-CWP-2024 ;
CM-5215-CWP-2024 ;
CM-5216-CWP-2024 in/and
RA-CW-106-2024 in
CWP-23750-2015

2024:PHHC:044380

3

control of the applicants-respondents. The relevant paragraphs of the said 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

**CM-5214-CWP-2024;
CM-5213-CWP-2024 ;
CM-5215-CWP-2024 ;
CM-5216-CWP-2024 in/and
RA-CW-106-2024 in
CWP-23750-2015**

2024:PHHC:044380

4

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.”

7. In the present case, the norms fixed by the Hon’ble Supreme Court of India is to be taken into account for condonation of delay even qua the application filed by the Government, has not been fulfilled by the applicants-respondents. Not even a single reason has been given to show that the delay, which has occurred, was beyond the control of the applicants-respondents and the same was bonafide or for any administrative action. Nothing has come on record that what administrative action was needed to file the review after the opinion was granted in February, 2023, whereas the actual review petition was filed even after 13 months of the said opinion.

8. No ground is made out for any condonation of delay as being prayed in the present application and the same is accordingly dismissed.

CM-5214-CWP-2024;
CM-5213-CWP-2024 ;
CM-5215-CWP-2024 ;
CM-5216-CWP-2024 in/and
RA-CW-106-2024 in
CWP-23750-2015

2024:PHHC:044380

5

9. Consequently, the review application as well as miscellaneous applications are also dismissed.

April 3rd, 2024
kanchan

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No