

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(112)

LPA-920-2024 (O&M)

Decided on : 25.04.2024

Hawa Singh

.....Appellant(s)

Versus

State of Haryana & another

.....Respondent(s)

**CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA,
ACTING CHIEF JUSTICE
HON'BLE MS.JUSTICE LAPITA BANERJI**

Present: Mr.Randhir Singh Hooda, Advocate for the appellant (s).

Mr.Deepak Balyan, Addl.A.G., Haryana.

G.S. Sandhawalia, Acting Chief Justice (Oral)

1. Consideration in the present appeal is to the judgment dated 30.05.2022 of the Learned Single Judge passed in CWP-16965-2017.

2. The appeal is barred by 643 days. The only ground taken is that the appellant is a old age ailing person suffering from old age ailments and has succumbed to passive life-style and could not come out of his house in Kaithal for impugned the said order. While on a visit to PGI, Chandigarh, he had approached the counsel and thereafter, the appeal had been filed. Various judgments have also been quoted in the application including the judgments in **State of W.B. Vs. Administrator, Howrah Municipality, 1972 AIR 749, G.Ramegowda Major Vs. Special Land Acquisition Officer, 1988 AIR 897, N.Balakrishnan vs. M.Krishnamurthy AIR 1998 SC 3222 and Ram Nath Sao @ Ram Sahu & others Vs. Gobardhan Sao & others, AIR 2002 SC 1201.**

3. The delay is substantial and a perusal of the paperbook would go on to show that the appeal was only filed almost 2 years later on 03.04.2024. The reasoning which has been given is not substantiated by filing any documentation to that effect that the appellant was ailing or getting treatment in PGI, Chandigarh. In such circumstances, keeping in view the fact that the present case is a service dispute regarding the right of promotion to the post of Assistant Superintendent Treasurer and the appellant had retired in the year 2011, we are of the considered opinion that the delay is not liable to be condoned as no sufficient cause has been made out. It is not proved that the

not approach the counsel or that he does not have any family member to assist for the said purpose.

4. The judgment of the Apex Court in **Mahanagar Telephone Nigam Ltd. Vs. State of Maharashtra & others**, AIR 2013 SC 3568 has held that there has to be no negligence on the part of the appellant and for an indolent litigant on account of the unsatisfactory explanation given, the Court would not normally condone the delay. Sufficient cause is an elastic term but cannot be stretched to the extent counsel for the appellant would want us which is of 2 years delay. Keeping in view the fact that there is substantial infrastructural development and communication in the States of Punjab and Haryana is speedy and it is not that the town of Kaithal is that isolated or far away that the appellant could not approach his counsel. In such circumstances, on account of the indolent attitude of the appellant and the attempt to coin a sufficient cause, the delay is not liable to be condoned.

5. Resultantly, the application for condonation of delay of 643 days in filing the appeal is hereby dismissed. Consequently, the main appeal is also dismissed along with all pending application(s).

(G.S. SANDHAWALIA)
ACTING CHIEF JUSTICE

(LAPITA BANERJI)
JUDGE

25.04.2024
Sailesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No