



FAO-4424-2024 (O&M)

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

FAO-4424-2024 (O&M)**Date of Decision: 18.09.2024**

National Health Mission (Punjab)

..... Appellant

Versus

Rupinderjit Kaur

..... Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Arshdeep Bhullar, Advocate, for the appellant.

PANKAJ JAIN, J. (ORAL)

Present appeal is directed against the order 18.07.2022 passed by the Commissioner, Under Employees Compensation Act, 1923, Ludhiana. The appeal accompanied by an application filed under Section 5 of the Limitation Act, 1963, seeking condonation of delay of 686 days in filing the present appeal.

The applicant/appellant has tried to explain the delay by pleading as under:-

“2. That the delay in filing the present appeal is neither intentional nor wilful but due to the circumstances as mentioned herein. A copy of the impugned order dated 18.7.2022 was received in the office of Civil Surgeon Ludhiana on 14.2.2023. The Respondent also sent the copy of the impugned order in the office of the appellant on 22.2.2023. Thereafter, the case was put up for directions before the Competent Authority on 09.03.2023. On 06.04.2023 the Competent Authority directed to seek the advise of the OSD Legal (Health), Mini Secretariat. In pursuance thereof the entire case file was forwarded to OSD (Legal), Department of Health and Family Welfare, Punjab Civil Secretariat-2, Chandigarh for advice on 21.4.2023. The said advice was received on 21.6.2023 and



the same was accepted by the Competent Authority on 12.7.2023.

3. *That acting on the said advice, a letter vide no. NHM/PB/2023/Liti/102594 dated 20.7.2023 was issued to the office of Civil Surgeon Ludhiana, for filing the appeal in the extant matter. Thereafter a letter vide no.NHM/Ludhiana/2023/1247 dated 24.07.2023 was received from the Civil Surgeon Ludhiana seeking clarification w.r.t. court of competent jurisdiction for filing the appeal. In furtherance thereof, the case was sent to the Legal Retainer for clarification/advice on 10.08.2023 and on 18.10.2023, the Legal Retainer clarified that the impugned orders needs to be challenged before the Hon'ble Punjab and Haryana High Court. The advice of the Legal Retainer was approved by the Competent Authority on 14.11.2023 and the case was again sent to the office of Civil Surgeon Ludhiana, for filing of appeal vide letter no.NHM/PB/2023/LIT1/108787 dated 05.12.2023. The Civil Surgeon Ludhiana thereafter sought defence sanction to file the appeal on Government expenses on 06.12.2023. The Competent Authority approved the proposal to refer the matter for issuance of defence sanction to the Government on 04.01.2024 and the case was forwarded to the Government vide letter No.NHM/PUNJAB/2024/LITI/10324 DATED 9.1.2024 for defence sanction. Again reminder was issued on 15.5.2024 to the Government for according the defence sanction. However, since the matter is pending with the Government and there has already been a delay in filing the appeal, it was decided to hand over the documents to the undersigned to file the present appeal and the same was filed without any further delay.”*

The impugned order was passed in the presence of the representative of the applicant/appellant on 18.07.2022. It took seven months for the applicant/appellant to get copy of impugned order. Thereafter, again a month was taken up by the competent authority to make up their mind that advice of OSD (Legal) needs to be solicited. OSD (Legal) further spent two months in furnishing the advice. Surprisingly, it took



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another three months for the competent authority to accept the advice. By the said time, almost a year had lapsed. Thereafter, it is being claimed that the authority was confused with respect to the forum, where the appeal needs to be filed. Ultimately, it was after three months i.e. on 18.10.2023, the legal retainer clarified that the impugned order needs to be challenged before the High Court. The inertia did not end there and the appeal was filed almost ten months thereafter. It is being claimed that in the midst the sanction was being sought with respect to the expenses to be borne in filing the appeal.

In the considered opinion of this Court, the explanation of delay in filing the present appeal is not only unsatisfactory but deplorable. It does not spell out any sufficient cause that can persuade this Court to condone the delay.

In view of the above, application filed under Section 5 of the Limitation Act for condonation of delay of 686 days in filing the present appeal is hereby dismissed.

Keeping in view the fact that application seeking condonation of delay already stands dismissed, therefore, present appeal also stands dismissed.

(PANKAJ JAIN)
JUDGE

18.09.2024
adhikari

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No