

CM-3541-C-2024
CM-3539-C-2024
CM-3540-C-2024
CM-3542-C-2024 in/and
RA-RS-13-2024 in
RSA-1362-2021

2024:PHHC:047436

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

(108)

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CM-3539-C-2024
CM-3540-C-2024
CM-3542-C-2024 in
RA-RS-13-2024 in
RSA-1362-2021
Date of Decision : 08.04.2024

Shiv Kumar

..Non-applicant/petitioner

Versus

Haryana Tourism Corporation Ltd. and others

..Applicants/respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Ms. Kushaldeep Kaur, Advocate, for
Mr. Ankur Mittal, Advocate, for the applicant-respondents.

HARSIMRAN SINGH SETHI J. (ORAL)

CM-3541-C-2024 in/and RA-RS-13-2024

1. The present review application has been filed for review of the order dated 29.04.2023 alongwith the application for condonation of delay of 196 days in filing the present review application.

2. Even as per the application seeking condonation of delay, the opinion was given by the Office of Advocate General on 19.06.2023 for filing the review but still the same has only been filed in December 2023.

The limitation to file the review is 30 days but the respondents took more

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than six months even after the opinion was given by the Office of Advocate General to file the review. Those six months have not been explained by the respondents in the affidavit.

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

4. 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 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.

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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.”

5. In the facts and circumstances of the present case, where not even a single reason has been given to explain six months delay even after grant of approval to file a review, no ground is made out for any

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condonation of delay as being prayed in the present application and the same is accordingly dismissed.

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

April 08, 2024
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No