

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Civil Review No.08 of 2021

Union of India through the General Manager, East Central Railway, Hajipur,
P.O.+P.S.- Hajipur, District – Vaishali (Bihar), 844101.

.... **Petitioner(s)**

Versus

Gita Devi @ Geeta Devi, aged about 46 years, wife of Late Nepali Sao,
resident of Village – Tharthari Bazar, P.O.+P.S.- Tharthari, District – Nalanda,
Bihar at present Sampatchak Bazar, P.O.-Sona Gopalpur, P.S.- Sampatchak,
District – Patna (Bihar)

.... **Respondent(s)**

CORAM: HON'BLE MR. JUSTICE RAJESH KUMAR

For the Petitioner(s)

: Mrs. Bakshi Vibha, Adv.

For the Respondent(s)

:

05/Dated: 01st August, 2025

1. Present civil review has been filed for following reliefs:-

“for Review/Recall/Modify the order / Judgment dated 05.02.2018 passed by this Court in M.A. No.-165 of 2014, whereby and where under this Hon'ble Court has been pleased to set aside the order Judgment and award dated 12.06.2013 passed by Miss Vandana Singhal, Learned Members (Technical) of the Railway claims Tribunal, Ranchi Branch, Ranchi and allowed the appeal on behalf of the appellant (here in opposite party) above named and enhances the compensation amount of Rs. 2,50,000/- (Rupees Two Lakh Fifty Thousand) to Rs. 8,00,000/- (Rupees Eight Lakhs) with interest of the rate of 9% per annum from the date of filing the claim application. As per mandate issued by the Hon'ble Apex Court in case of Union of India Vs. Rina Devi as reported in JBCJ 2018 (2) 478 (SC), wherein para-15.4 Hon'ble Court has been observed that the quantum of compensation has been awarded in case of death Rs 4,00,000/- along with interest or Rs. 8,00,000/- the higher of the two amounts has to be given. Hence, the opposite party/appellants is entitled for a compensation of Rs. 8,00,000/-only and if the Railway Administration comply the order dated 05.02.2018 than he paid excess amount of Rs. 6,48,000/- (Rupees Six Lakh Forty Eight Thousand) and more which is public money and not permissible to pay the opposite party in the interest of Justice. And / Or pass such other order/orders as Your Lordships may deem fit and proper in the facts and circumstances of this case.”

2. It appears that entitlement of compensation is not in dispute rather quantum and interest has been disputed.

3. Be that as it may, the present civil review has been filed with a delay of 1050 days. The reason for delay has been assigned in the limitation petition

being I.A. No.4426 of 2021 that the delay has been caused due to usual file movement.

4. Law is well settled by the Hon'ble Apex Court in the case of *Office of The Chief Post Master & Ors versus Living Media India Ltd., reported in (2012) 3 SCC 563* 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 special obligation to ensure that they perform their duties with diligence and commitment. The relevant paragraphs are as follows:-

“27. It is not in dispute that the person(s) concerned were well aware or conversant with the issues involved including the prescribed period of limitation for taking up the matter by way of filing a special leave petition in this Court. They cannot claim that they have a separate period of limitation when the Department was possessed with competent persons familiar with court proceedings. In the absence of plausible and acceptable explanation, we are posing a question why the delay is to be condoned mechanically merely because the Government or a wing of the Government is a party before us.

28. Though we are conscious of the fact that in a matter of condonation of delay when there was no gross negligence or deliberate inaction or lack of bona fides, a liberal concession has to be adopted to advance substantial justice, we are of the view that in the facts and circumstances, the Department cannot take advantage of various earlier decisions. The claim on account of impersonal machinery and inherited bureaucratic methodology of making several notes cannot be accepted in view of the modern technologies being used and available. The law of limitation undoubtedly binds everybody, including the Government.

29. 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 the government departments.

The law shelters everyone under the same light and should not be swirled for the benefit of a few.”

5. Thus, the government has no privilege. It has to explain properly and usual file movement cannot be a ground for condoning such a huge delay and that too in a beneficial legislation.

6. In that view of the matter, this Court finds no reason to condone the delay and as such I.A. No.4426 of 2021 stands dismissed.

7. Since the delay has not been condoned the present civil review stands dismissed.

(Rajesh Kumar, J.)

Amar/-
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