



**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH.**

116

**CM-5468-LPA-2025 IN/AND
LPA-2172-2025 (O&M).
Date of Decision: 21.08.2025.**

Gurminder Singh

....Appellant.

VERSUS

State of Punjab and others

....Respondents.

**CORAM : HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL
HON'BLE MR. JUSTICE DEEPAK MANCHANDA**

Present: Ms. Satpreet Grewal Kapila, Advocate
for the applicant/appellant.

ANUPINDER SINGH GREWAL, J. (Oral)

CM-5468-LPA-2025

This is an application seeking condonation of delay of 2443 days in filing the accompanying appeal.

2. Learned counsel for the applicant/appellant submits that the appellant, who had been terminated from service, had approached this Court and the Single Bench vide judgment dated 10.10.2018 passed in CWP No.3268 of 2012 had set aside his dismissal and directed his reinstatement without back wages. The Single Bench had afforded liberty to the respondents to conduct a fresh inquiry and the appellant was waiting for the inquiry to be conducted before preferring this appeal. However, no show cause notice was ever issued to the appellant. She submits that the delay be condoned and the appeal be heard and decided on merits.

3. On advance notice, Mr. Aftab Singh Khara, Senior Deputy Advocate General, Punjab, puts in appearance on behalf of the respondents and submits that the departmental inquiry was conducted way back in 2019 and had concluded on 11.04.2019 whereby the appellant was exonerated. He further submits that there is an inordinate delay on the part of the appellant in preferring this appeal and the delay ought not to be condoned.

4. Heard.

5. The appellant, who was working as a home guard volunteer, had been dismissed from service on the allegation that he was helping drug peddlers and two FIRs were registered against him. He was later acquitted at the conclusion of the trial and thereafter filed the writ petition seeking directions to the department to reinstate him in service with continuity and all consequential benefits. Vide judgment dated 10.10.2018, the writ petition was allowed and the appellant was ordered to be reinstated in service but without any back wages. The department was also granted liberty to issue a show cause notice as per rules and pass order afresh after affording opportunity of hearing to the appellant as envisaged under the rules. The departmental inquiry is stated to have been concluded on 11.04.2019, but the appellant chose to wait for another five years to file the instant appeal impugning the judgment of the Single Bench passed on 10.10.2018 to the extent that he had not been granted back wages.

6. In the afore-noted facts and circumstances, it is manifest that the appellant has not been able to make out sufficient cause for condonation of huge delay of 2443 days in preferring the appeal. Reference can be made to the judgment of the Supreme Court in the case of **Esha Bhattacharjee vs. Managing Committee of Raghunathpur Nafar Academy and others**,

(2013) 12 Supreme Court Cases 649, wherein it has been held that a litigant ought to be vigilant and approach the Court promptly for redressal of his grievance. The relevant extract of the said judgment is reproduced hereunder:-

“21. From the aforesaid authorities the principles that can broadly be culled out are:

- i) There should be a liberal, pragmatic, justice-oriented, non-pedantic approach while dealing with an application for condonation of delay, for the courts are not supposed to legalise injustice but are obliged to remove injustice.
- ii) The terms “sufficient cause” should be understood in their proper spirit, philosophy and purpose regard being had to the fact that these terms are basically elastic and are to be applied in proper perspective to the obtaining fact- situation.
- iii) Substantial justice being paramount and pivotal the technical considerations should not be given undue and uncalled for emphasis.
- iv) No presumption can be attached to deliberate causation of delay but, gross negligence on the part of the counsel or litigant is to be taken note of.
- v) Lack of bona fides imputable to a party seeking condonation of delay is a significant and relevant fact.
- vi) It is to be kept in mind that adherence to strict proof should not affect public justice and cause public mischief because the courts are required to be vigilant so that in the ultimate eventuate there is no real failure of justice.
- vii) The concept of liberal approach has to encapsule the conception of reasonableness and it cannot be allowed a totally unfettered free play.
- viii) There is a distinction between inordinate delay and a delay of short duration or few days, for to the former doctrine of prejudice is attracted whereas to the latter it may not be attracted. That apart, the first one warrants strict approach whereas the second calls for a liberal delineation.
- ix) The conduct, behaviour and attitude of a party relating to its inaction or negligence are relevant factors to be taken into consideration. It is so as the fundamental principle is that the courts are required to weigh the scale of balance of justice in respect of both parties and the said principle cannot be given a total go by in the name of liberal approach.
- x) If the explanation offered is concocted or the grounds urged in the application are fanciful, the courts should be vigilant not to expose the other side unnecessarily to face such a litigation.
- xi) It is to be borne in mind that no one gets away with fraud, misrepresentation or interpolation by taking recourse to the technicalities of law of limitation.
- xii) The entire gamut of facts are to be carefully scrutinized and the approach should be based on the paradigm of judicial discretion which is founded on objective reasoning and not on individual perception.
- xiii) The State or a public body or an entity representing a collective cause should be given some acceptable latitude.

22. To the aforesaid principles we may add some more guidelines taking note of the present day scenario. They are: -

- a) An application for condonation of delay should be drafted with careful concern and not in a half hazard manner harbouring the notion that the courts are required to condone delay on the bedrock of the principle that adjudication of a lis on merits is seminal to justice dispensation system.
- b) An application for condonation of delay should not be dealt with in a routine manner on the base of individual philosophy which is basically subjective.
- c) Though no precise formula can be laid down regard being had to the concept of judicial discretion, yet a conscious effort for achieving consistency and collegiality of the adjudicatory system should be made as that is the ultimate institutional motto.
- d) The increasing tendency to perceive delay as a non-serious matter and, hence, lackadaisical propensity can be exhibited in a non-challant manner requires to be curbed, of course, within legal parameters.”

7. Consequently, the application, being devoid of any merit, along with the main appeal stand dismissed.

Pending application(s), if any, also stand disposed of accordingly.

(ANUPINDER SINGH GREWAL)
JUDGE

(DEEPAK MANCHANDA)
JUDGE

21.08.2025

jitender

Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No