

CM-7050-LPA-2025
CM-7048-LPA-2025
CM-7049-LPA-2025
CM-7051-LPA-2025
RA-LP-98-2025 in
LPA-539-2024

NIRMAL RANI AND OTHERS
Versus
State of Haryana and others

1.	The date when the judgment is reserved	12.11.2025
2.	The date when the judgment is pronounced	17.11.2025
3.	The date when the judgment is uploaded on the website	18.11.2025
4.	Whether only operative part of the judgment is pronounced or whether the full judgment is pronounced	Full
5	The delay, if any, of the pronouncement of full judgment, and reasons thereof	Not applicable

Present: Mr. Saurabh Mago, DAG, Haryana,
for the applicants/respondents.

CM-7049-2025

Application is allowed, as prayed for.

CM-7050-2025

This is an application for condonation of delay of 477 days in filing the review application being RA-LP-98-2025.

The review applicant has sought review of the judgment dated February 27, 2024 passed by the Co-ordinate Bench of this Court, of which one of us (Lapita Banerji, J.) was a member. It has been pleaded in the instant application that vide opinion dated February 22, 2024, Law Officer concerned of the State opined that the same was not a fit case for filing Letters Patent Appeal before the Hon’ble High Court against the impugned judgment dated December 18, 2023 passed by learned Single Judge. The grant of sanction for filing of the appeal was approved by the Minister Incharge, Women and Child Development Department on April 29, 2024.

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The file was sent to the Superintendent on April 26, 2024. Administrative instructions were issued to defend the case before the trial.

Thereafter, the applicants sent the case to Legal Remembrancer (LR) seeking sanction for filing the LPA on May 17, 2024. When the filing of LPA was under process, the District Attorney for CS- Haryana opined that a review petition should be filed against the order February 27, 2024. Thereafter, on April 02, 2025, the file was marked again to Minister-In-charge, W & CD Department for grant of sanction for filing of review against the order dated February 27, 2024. On April 21, 2025, instructions were given to defend the case in the High Court. Thereafter, the LR issued necessary sanction for the same on May 01, 2025.

Learned counsel for the State submits that there was no negligence and laches on the part of the authorities for the delay and since there was good case on merits, delay should be liberally interpreted and condoned. Certain amount of latitude is to be shown to the instrumentalities of the State as it is public exchequer that suffers if the delay is not condoned.

This Court has heard learned counsel for the review applicants and perused the available pleadings on record.

Apart from cursory reference to the fact that the State was in the process of filing an appeal by the time the Co-ordinate Bench disposed of the appeal filed by the employees-writ petitioners and then was advised to file a review application from the order passed by the Co-ordinate Bench on February 27, 2024, no other worthwhile explanation has been brought on record. The pleadings are totally silent on the steps taken by the State from

February 27, 2024 to April 02, 2025 and the reasons for inaction for more than a year. To the mind of this Court, nothing could be brought on record to show that delay on the part of review applicants was neither intentional nor willful. In fact, the conduct and omission on the part of review applicants leave a contrary impression to the mind of this Court when the Hon'ble Supreme Court has repeatedly reiterated that all the government bodies, their agencies and instrumentalities need to be informed that unless they have a reasonable and acceptable explanation for the delay and there was *bona fide* effort, there was no need to accept the usual explanation of procedural red tapism.

Contrary to the submissions made by learned counsel for the review applicants, it has been held by the Apex Court that the government departments are under a special obligation to ensure that they perform their duties with diligence and commitment.

Reliance can be placed upon the judgments of the Apex Court in *Oriental Aroma Chemical Industries Ltd. v. Gujaral Industrial Development Corporation and another* (2010) 5 SCC 459, *Esha Bhattacharjee v. Managing Committee of Raghunathpur Nafar Academy and others* (2013) 12 SCC 649 and *Office of the Post Master General and others v. Living Media India Ltd and another* (2012) 3 SCC 563 for the proposition that delay is not liable to be condoned at the asking.

In *Oriental Aroma Chemical's case* (*supra*), the Apex Court held that the High Court committed grave error by condoning the delay of more than 04 years in filing the appeal and ignoring the judicially accepted

parameters for exercise of discretion under Section 5 of the Limitation Act, 1963. Therefore, the impugned order passed by the High Court was set-aside and the application for condonation of delay filed by respondents was dismissed. The relevant extract of the aforesaid judgment is reproduced herein below:

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14. We have considered the respective submissions. The law of limitation is founded on public policy. The legislature does not prescribe limitation with the object of destroying the right of the parties but to ensure that they do not resort to dilatory tactics and seek remedy without delay. The idea is that every legal remedy must be kept alive for a period fixed by the legislature. To put it differently, the law of limitation prescribes a period within which legal remedy can be availed for redress of the legal injury. At the same time, the courts are bestowed with the power to condone the delay, if sufficient cause is shown for not availing the remedy within the stipulated time.

15. The expression “sufficient cause” employed in Section 5 of the Limitation Act, 1963 and similar other statute is elastic enough to enable the courts to apply the law in a meaningful manner which subserves the ends of justice. Although, no hard-and-fast rule can be laid down in dealing with the applications for condonation of delay, this Court has justifiably advocated adoption of a liberal approach in condoning the delay of short duration and a stricter approach where the delay is inordinate – Collector (L.A) v. Katiji N. Balakrishnan v. M. Krishnamurthy and Vedabai v. Shantaram Baburao Patil.
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In ***Esha Bhattacharjee’s*** case (*supra*), the question before the Apex Court was whether the High Court was justified in entertaining a petition for condonation of delay of 2449 days preferred against an interim order dated February 25, 2004 passed by the learned Single Judge. Answering the question in the negative, certain principles were culled out by the Apex Court which are extracted herein after:-

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

21.1 (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.

21.2 (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.

21.3 (iii) Substantial justice being paramount and pivotal the technical considerations should not be given undue and uncalled for emphasis.

21.4 (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.

21.5 (v) Lack of bona fides imputable to a party seeking condonation of delay is a significant and relevant fact.

21.6 (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.

21.7 (vii) The concept of liberal approach has to encapsulate the conception of reasonableness and it cannot be allowed a totally unfettered free play.

21.8 (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.

21.9 (ix) The conduct, behavior 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.

21.10 (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.

21.11 (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.

21.12 (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.

21.13 (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:

22.1 (a) An application for condonation of delay should be drafted with careful concern and not in a haphazard manner harbouring the notion that 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.

22.2 (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.

22.3 (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.

22.4 (d) The increasing tendency to perceive delay as a non-serious matter and, hence, lackadaisical propensity can be exhibited in a nonchalant manner requires to be curbed, of course, within legal parameters.

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It was held that neither *leisure* nor *pleasure* has any room while one moves an application for condonation of delay of almost 07 years on the ground of lack of knowledge or failure of justice. Accordingly, the appeals were allowed and the order passed by the Division Bench of the High Court, condoning the delay was set-aside.

In the ***Post Master General's case*** (*supra*), the Apex Court refused to condone the delay in filing of the Special Leave Petitions. The relevant extract is reproduced hereinafter:

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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 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.*

30. *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 had 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.*

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[Emphasis supplied]

In a recent judgment passed in ***Union of India and another v. Jahangir Byramji Jeejeebhoy (D) SLP (Civil) No. 21096 of 2019*** reported in 2024 SCC OnLine SC 489 , the Hon’ble Apex Court refused to condone the delay of 12 years and 158 days in filing of the restoration application

before the High Court. The High Court had refused to entertain an application filed by the appellants for exercise of its jurisdiction under Article 227 of the Constitution of India for condoning the delay of 12 years and 158 days, when the same was dismissed for non-prosecution.

The Apex Court categorically made the following findings:-

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24. *In the aforesaid circumstances, we made it very clear that we are not going to look into the merits of the matter as long as we are not convinced that sufficient cause has been made out for condonation of such a long and inordinate delay.*

25. *It hardly matters whether a litigant is a private party or a State or Union of India when it comes to condoning the gross delay of more than 12 years. If the litigant chooses to approach the court long after the lapse of the time prescribed under the relevant provisions of the law, then he cannot turn around and say that no prejudice would be caused to either side by the delay being condoned. This litigation between the parties started sometime in 1981. We are in 2024. Almost 43 years have elapsed. However, till date the respondent has not been able to reap the fruits of his decree. It would be a mockery of justice if we condone the delay of 12 years and 158 days and once again ask the respondent to undergo the rigmarole of the legal proceedings.*

26. *The length of the delay is a relevant matter which the court must take into consideration while considering whether the delay should be condoned or not. From the tenor of the approach of the appellants, it appears that they want to fix their own period of limitation for instituting the proceedings for which law has prescribed a period of limitation. Once it is held that a party has lost his right to have the matter considered on merits because of his own inaction for a long, it cannot be presumed to be non-deliberate delay and in such circumstances of the case, he cannot be heard to plead that the substantial justice deserves to be preferred as against the technical considerations. While considering the plea for condonation of delay, the court must not start with the merits of the main matter. The court owes a duty to first ascertain the bona fides of the explanation offered by the party seeking condonation. It is only if the sufficient cause assigned by the litigant and the opposition of the other side is equally balanced that the court may bring into aid the merits of the matter for the purpose of condoning the delay.*

27. We are of the view that the question of limitation is not merely a technical consideration. The rules of limitation are based on the principles of sound public policy and principles of equity. We should not keep the 'Sword of Damocles' hanging over the head of the respondent for indefinite period of time to be determined at the whims and fancies of the appellants.
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From the exposition of law governing the field, as discussed hereinabove, it is evident that delay of 477 days in filing the application for restoration is an inordinate delay which had to be explained by cogent and sufficient reasons for condonation of the same. While Courts can be lenient in condoning a short period of delay, Court cannot show leniency in condoning the delay of more than 477 days without any cogent/plausible explanation.

Accordingly, application for condonation of delay of 477 days in filing the application for review, being Civil Miscellaneous No.7050 of 2025, is dismissed. Since the application for condonation of delay has been dismissed on merit, the review application is also liable to meet the same fate as there is no legal necessity to hear the review application on merits, however, on the insistence of the learned counsel for the review applicant, we have heard him on merits.

RA-LP NO.98 OF 2025

The main Letters Patent Appeal (LPA) arose out of an impugned order passed by the learned Single Bench in CWP No.21928 of 2015 ‘*Amarjit Kaur and others v. State of Haryana and others*’, whereby the writ petitioners were granted the minimum of regular pay scale along with dearness allowance. The learned Single Judge restricted the payment

of arrears to a period of 03 years prior to the date of passing of the order.

The Co-ordinate Bench granted the same relief in the LPA filed by the writ petitioners with effect from November 01, 2017 pursuant to the instructions of the State Government dated November 03, 2017 instead of restricting the arrears to 03 years prior to the date of passing of the order.

The writ petitioners were Balsevikas who were working with the District Council for Child Welfare in the crèches and Child Care Centres. They were initially paid a consolidated salary of Rs.1300/- which was later increased to a consolidated sum of Rs.3000/- per month. They prayed for grant of regular pay scales being paid to similarly situated employees who were working in other districts after rendering services for more than a decade. The learned Single Judge vide judgment dated December 18, 2023, gave benefit of a Division Bench judgment of this Court in '*Shakuntala Devi v. The Deputy Commissioner, Sirsa and another*' in *CWP No.1286 of 1987* and held that since the counter parts of the petitioners working in other districts were given the regular pay scale in view of *Shakuntala Devi's* case (*supra*), it would not be fair to discriminate the petitioners. Two writ petitions being *CWP No.21928 of 2015 'Amarjit Kaur and others v. State of Haryana and others'* and *CWP No.26521 of 2018 'Mukesh Rani and others v. State of Haryana and others'* were disposed of by the said judgment. Two Letter Patent Appeals being No.538 of 2024 '*Roshni Devi and others v. State of Haryana and others*' and LPA No.539 of 2024 '*Nirmal Rani and others v. State of Haryana and others*', were preferred from the said common judgment and order.

The learned Single Judge had restricted the payment of arrears to a period of 03 years prior to the date of passing of the order. The writ petitioners/appellants being aggrieved by such restriction on the period of payment of arrears preferred the aforesaid Letters Patent Appeals. However, the State did not prefer any appeal either challenging the period for which the arrears were to be paid to the writ petitioners-Balsevikas or their eligibility to the grant of minimum of the regular pay scale along with dearness allowance (D.A.) as was being paid by the State to similarly situated employees/Balsevikas, working in other districts. In fact no valid reason was provided by the State during hearing of the writ petition for discriminating the writ petitioners from the other Balsevikas performing their duties in various different districts, *qua* their pay and allowances, where the nature of duties performed were similar.

The writ petitioners/appellants challenged the judgment passed by the learned Single Bench only on the limited ground that the arrears should have been paid for 03 years and 02 months (38 months) prior to filing of the writ petition following the Full Bench judgment of this Court in ***Saroj Kumari v. State of Punjab*** reported in ***1998 (3) PLR 123***.

In such circumstances, the Co-ordinate Bench vide order dated February 27, 2024 held that government instructions dated November 01, 2017 have to be followed taking into view the judgment of the Co-ordinate Bench passed in LPA No.132 of 2021 decided on 27.05.2022 '***State of Haryana and others v. Sandeep and others***', wherein it was held that the arrears were payable only from November 01, 2017 as valid government instructions would govern the field on date. The appeal preferred by the

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respondent-employee in *Sandeep's case (supra)* being SLP (C) No.16093/2022 was dismissed on October 10, 2022.

The order of learned Single Judge was modified in LPA to the extent that the arrears were payable to the appellants/writ petitioners from November 01, 2017 instead of 03 years prior to passing of the impugned judgment dated December 18, 2023 by learned Single Bench.

In the circumstances, no error is found in the judgment, under review dated February 27, 2024, passed by the Co-ordinate Bench. This Court finds that no tenable ground for review is made out, especially when the State chose not to prefer any appeal from the judgment of learned Single Bench dated December 18, 2023. Accordingly, the review application being RA-LP No.98 of 2025 is dismissed.

CM-7048-2025 and CM-7051-2025

Applications are disposed of as infructuous.

(DEEPAK SIBAL)
JUDGE

(LAPITA BANERJI)
JUDGE

November 17, 2025
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