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

CWP-30394-2025

Date of decision: 08.12.2025

Ravinder Kumar

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. H.C.Arora, Advocate and
Ms. Sunaina, Advocate
for the petitioner.

Mr. Vikas Arora, DAG, Punjab.

HARPREET SINGH BRAR, J. (ORAL)

1. The present writ petition has been filed under Article 226 of the Constitution of India for issuance of a writ in the nature of *certiorari* for quashing the order dated 25.07.2025 (Annexure P-8) passed by respondent No.3 rejecting the appeal (Annexure P-6) submitted by the petitioner on 16.06.2025 against order of his dismissal from service on 01.02.2022 (Annexure P-2) and further for issuance of a writ in the nature of *mandamus* directing respondent No.3 to decide the appeal dated 16.06.2025 (Annexure P-2) preferred by the petitioner against an order dated 01.02.2022 (Annexure P-2).

2. Learned counsel for the petitioner *inter alia* contends that the petitioner was convicted under Sections 306/506 of IPC vide judgment dated 08.11.2021 as discernible from Annexure P-1. A criminal appeal against the conviction is pending. Consequently, the Punishing Authority dismissed the



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petitioner from service vide order dated 01.02.2022 (Annexure P-2). The petitioner filed a statutory appeal against the order of dismissal on 16.06.2025 (Annexure P-6). The appeal was delayed by 1215 days. In the appeal, the petitioner has furnished a satisfactory explanation by providing complete details of the circumstances that prevented him from filing the appeal within the prescribed period and has accordingly sought condonation of the delay. However, respondent No. 3, i.e., the Appellate Authority, rejected the appeal vide order dated 25.07.2025 (Annexure P-8) solely on the ground of delay, without advertng to or discussing the reasons furnished for such delay. It is a trite law that where sufficient cause is shown, delay ought to be condoned and the matter is decided on merits rather than dismissed on technical grounds. He further relies upon the judgment rendered by this Court in **CR No.2886 of 2014** titled as '**Babu Ram Vs. Rajesh**' decided on 04.05.2017 and the judgment rendered by the Division Bench of this Court in **CWP No.6938 of 1993** titled as '**M/s Sthaneshwar Handmade Papers PCIS Ltd. Vs. State of Haryana**' decided on 27.01.1994.

3. Per contra, learned State counsel refers to the impugned order and submits that the appeal of the petitioner was dismissed as it was hopelessly time-barred and that the Appellate Authority has applied the relevant rules prescribing the period of limitation. However, he could not controvert the fact that in the impugned order of dismissal, there is no mention of any ground of condonation of delay and without adjudicating on the sufficiency of the grounds, the appeal has been dismissed only on the basis of period of limitation by passing a non-speaking order.



4. Having heard learned counsel for the parties and upon perusal of the record, it transpires that the petitioner had preferred a statutory appeal before respondent No. 3, who merely reproduced Rule 17 prescribing the period of limitation and thereafter, proceeded to dismiss the appeal in a cryptic manner without recording any reasons or undertaking any discussion on the sufficiency of the grounds urged for condonation of delay. Such an approach amounts to a denial of the petitioner's right to appeal and is in clear violation of the principles of natural justice.

5. In this context, reference may be made to the judgment of the Division Bench of this Court in ***M/s Sthaneshwar Handmade Papers PCIS Ltd. (supra)*** speaking through Justice A.L. Bahri, wherein it was held as under:-

...“7. When the matter was taken up before the Tribunal in further appeal wherein affidavit of Shri Vinod Kumar Jain, Advocate was filed, he described the plea to be not correct. He simply referred to the contradiction in the order of the Joint Excise and Taxation Commissioner that presence of the counsel was not marked, however, the order showed that the application for condonation of delay was argued. From such an assertion it could not ipso facto imply that the Advocate had appeared in the proceedings. Thus, the Tribunal also failed to exercise jurisdiction in not deciding the question debated as to whether the Advocate was ill and thus unable to file the appeal. Rather no mention of the affidavit filed before the Tribunal stands made or discussed in the order. As quasi-judicial Tribunal, it was expected of it to adjudicate the plea raised...”



6. The perusal of the impugned order indicates that the Appellate Authority without considering the merits of the appeal as well as the grounds taken by the petitioner in the application for condonation of delay, has dismissed the appeal filed by the petitioner solely on the ground of limitation.

At this stage, reference can also be made to the judgment of this Court in ***Babu Ram's case (supra)***, wherein the Court has emphasised as under:-

14. There is a difference between "good cause" and a "sufficient cause". Every sufficient cause can be a good cause and vice versa. But in case any difference exists, it can only be that the requirement of good cause which is complied with on a lesser degree of proof Le. of "sufficient cause". The expression "sufficient cause" should be given a liberal interpretation to ensure that substantial justice is done, but only so long as negligence, inaction or lack of bona fides cannot be imputed to the party concerned, whether or not sufficient cause has been furnished can be decided on the facts of a particular case and, as such, no straitjacket formula is possible.

15. It is also settled legal proposition that law of limitation may harshly affect a particular party but it has to be applied with all its rigour when the Statute so prescribes. The Court has no power to extend the period of limitation on equitable grounds. The statutory provision may cause hardship or inconvenience to a particular party but the Court has no choice but to enforce it by giving full effect to the same. The Statute of Limitation is founded on public policy, its aim is to secure peace in the community, to suppress fraud and perjury, to quicken diligence and to prevent oppression. Hon'ble the Apex Court in case of State of Nagaland v. Lipok A. O. and



others, 2012 (5) SCC 157 has held in paragraphs 24 and 25, which are reproduced as under:-

"24. What colour the expression "sufficient cause" would get in the factual matrix of a given case would largely depend on bona fide nature of the explanation. If the court finds that there has been no negligence on the part of the applicant and the cause shown for the delay does not lack bona fides, then it may condone the delay. If, on the other hand, the explanation given by the applicant is found to be concocted or he is thoroughly negligent in prosecuting his cause, then it would be a legitimate exercise of discretion not to condone the delay.

25. In case involving the State and its agencies/instrumentalities, the court can take note of the fact that sufficient time is taken in the decision making process but no premium can be given for total lethargy or utter negligence on the part of the officers of the State and/or its agencies/instrumentalities and the applications filed by them for condonation of delay cannot be allowed as a matter of course by accepting the plea that dismissal of the matter on the ground of bar of limitation will cause injury to the public interest".

16. It has been held in catena of judgments by this Court as well as by Hon'ble the Apex Court that in case any appeal has been filed beyond period of limitation, the Court has to consider the appeal on its own merits and if the case is meritorious one, then delay should be ignored. In case, there is sufficient reason in filing the appeal with delay, then it has to be condoned and appeal has to be decided on merits and not to be dismissed on technical ground of limitation.

17. Hon'ble the Apex Court has in case titled as Executive Officer, Antiyur Town Panchayat v. G. Arumugam (deceased) by LRs, 2015 (1) WLC(SC) 443 has held that Court must take



the liberal view in larger public interest even in case where huge delay is there.

18. In another judgment of Hon'ble the Apex Court rendered in Lipok AO's case (supra), it has been held that the Court must always take a justice oriented approach while considering the application for condonation of delay. Similar view has been taken by Hon'ble the Apex Court in judgments passed in B. Madhuri Goud v. B. Damodar Reddy, 2012 (12) SCC 693, Collector, Land Acquisition, Anantnag and another v. Mst. Katiji and others, AIR 1987 (SC) 1353, a judgment of Karnataka High Court in B.R. Mallikarjuna v. Smt. D. Geetha, 2016 (1) KantLJ 520 and a judgment of Bombay High Court passed in Yuvraj Vithu Sutar v. Dinkar Lahu Sutar, 2012(2) BCR 119.

19. In view of facts and law position as discussed above, there is merit in the contentions raised by learned counsel for the petitioner and the present revision petition is allowed. The impugned judgment dated 22.3.2014 passed by the Appellate Court is set aside.

20. However, the case is remanded to the Lower Appellate Court to reconsider the application for condonation of delay on the basis of averments made here-in-above as well as the merits of the appeal and pass order afresh after hearing both the parties within a period of three months from the date of receipt of certified copy of this order. order.”

7. In view of the above, the present petition is allowed and the impugned order dated 25.07.2025 (Annexure P-8) is hereby set aside. The

Appellate Authority is directed to reconsider the application for condonation of delay on the basis of the grounds mentioned therein as well as the merits of the appeal and to pass a fresh order after affording an adequate opportunity of hearing to the parties within a period of three months from the date of receipt of certified copy of this order.

(HARPREET SINGH BRAR)

JUDGE

08.12.2025

Neha

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No