IN THE HIGH COURT OF JHARKHAND AT RANCHI

I.A. No. 1358 of 2025

In/and

L.P.A. No. 449 of 2025

1. Jharkhand Urja Vikas Nigam Limited through its Chairman-cum-Managing Director Engineering Bhawan, H.E.C. Dhurwa, P.O. Dhurwa, P.S. Jagannathpur, District-Ranchi.
2. General Manager (Personnel cum General Administration), Jharkhand Urja Vikas Nigam Limited, Engineering Bhawan, H.E.C. Dhurwa, P.O Dhurwa, P.S. Jagannathpur, District-Ranchi.
3. Deputy General Manager (Personnel), Jharkhand Urja Vikas Nigam Limited, Engineering Bhawan, H.E.C. Dhurwa, P.O. Dhurwa, P.S. Jagannathpur, District-Ranchi.

... Appellants

Versus

Bansh Lochan Ram, aged about 62 years, son of Late Chamu Ram, resident of Harihar Singh Road, B.N. Bhonsle Gali, Morhabadi, P.O. and P.S. Bariatu, District-Ranchi.

... Respondent

CORAM: HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE MANOJ PRASAD

For the Appellants: Mr Sachin Kumar, Advocate
Ms Aditi Raj, Advocate
For the Respondent: Mr Navin Kumar, Advocate
Mr Suraj Verma, Advocate

04/Dated: 28.09.2026

1. Heard Mr Sachin Kumar, learned counsel, appearing for the appellants, along with Ms Aditi Raj, learned counsel for the appellants, and Mr Navin Kumar, learned counsel, appearing for the respondent, along with Mr Suraj Verma, learned counsel for the respondent.

2. I.A. No. 1358 of 2025 seeks condonation of delay of 141 days in appealing the learned Single Judge's order dated 13.08.2024 allowing respondent's W.P.(S) No. 5949 of 2018.

3. By the impugned judgment and order dated 13.08.2024, the learned Single Judge quashed the resolution dated 05.09.2018 by which the respondent's promotion granted vide notification dated 13.08.2008 was sought to be cancelled, almost two years after the respondent retired from service in 2016. Such cancellation was not preceded by even minimal compliance with the principles of natural justice and fair play.

4. In the application for condonation of delay, the appellants have pleaded in paragraph 5 that by the same resolution dated 05.09.2018, the promotion of the other two employees, i.e. Sri Dharmaraj Prasad and Sri Mash Prakash Soy Murum, was also cancelled. Further, Sri Dharmaraj Prasad filed W.P.(S) No. 2677 of 2015, and by order dated 30.08.2018, the learned Single Judge of this Court quashed the resolution dated 05.09.2018 cancelling their promotion. Thereafter, the solemn statement in paragraph 5 states that the appellants filed L.P.A. No. 116 of 2019 in this Hon'ble Court against the learned Single Judge's order dated 30.08.2018.

5. This appeal, along with the application for condonation of delay, was filed on 29th January, 2025. The application is duly supported by an affidavit of Senior Manager (Law), JUVNL.

6. Mr Navin Kumar, the learned counsel for the respondent, has now pointed out that L.P.A. No. 116 of 2019 stands dismissed and, to date, has not even been restored. He therefore submits that no indulgence must be shown based upon a false statement in the I.A.

7. In view of the above submission, we called for the file in L.P.A. No. 116 of 2019. The record shows that by order dated

08.04.2024 in C.M.P. No. 75 of 2021, L.P.A. No. 116 of 2019 was restored to its original file "*subject to removal of defect within a period of two weeks*".

8. The further record shows that the defects were not cleared within the prescribed two-week period. As such, it is reasonable to proceed on the premise that L.P.A. No. 116 of 2019 stands dismissed as of this date.

9. In the above circumstances, we are constrained to say that the appellants and their officers were duty-bound to disclose the complete and correct facts in paragraph 5 of the application seeking condonation of delay. The application, as noted earlier, has been verified by an affidavit filed by the Senior Manager (Law). The Senior Manager was duty-bound to check all records before filing the I.A. and making the averments in paragraph 5.

10. Mr Sachin Kumar now submitted that the issue involved in W.P.(S) No. 2677 of 2015 or L.P.A. No. 116 of 2019 is not very relevant. This submission cannot be accepted. In I.A., reliance was placed on the circumstances in W.P.(S) No. 2677 of 2015 and L.P.A. No. 116 of 2019 and, based upon the same, a case of sufficient cause was sought to be made out. Merely because this position is now found to be inaccurate, if not downright false, the appellants cannot now seek to distance themselves from the solemn statements made and plead that the orders made in W.P.(S) No. 2677 of 2015 and L.P.A. No. 116 of 2019 are not quite relevant.

11. Admittedly, in W.P.(S) No. 2677 of 2015, this Court also quashed the resolution dated 05.09.2018 cancelling the

promotions granted to two employees along with the respondent herein. This Court struck down the said resolution, and as of now, that decision has attained finality. Therefore, it is not correct to say that the said decisions have no bearing on this matter.

12. In any event, even if we are to exclude the reasoning contained in paragraph 5 of the I.A., we find that no sufficient cause has been shown in the remaining paragraphs for explaining the delay. Routine movement of files from one table to another or from one officer to another cannot be regarded as sufficient cause.

13. Incidentally, paragraph 19 refers to the file being sent to the Law Branch to examine the factual statements prepared by the office at the legal level and to authorise Senior Manager (Law) Sri Arun Kumar Srivastava to file the L.P.A. on behalf of the Corporation before this Court. If Sri Arun Kumar Srivastava undertook such an exercise while filing this appeal and this application for condonation of delay, we are quite surprised that, after referring to L.P.A. No. 116 of 2019, did not verify or plead the true and correct facts regarding its status in this I.A.

14. Since it was submitted that the appellants have a good case on merits, we only note that the respondent was promoted on 13.08.2008 and this promotion was cancelled on 05.09.2018, almost two years after the respondent's retirement. Such cancellation was made without even minimal compliance with the principles of natural justice and fair play.

15. The respondent must now be about 70 years old, and it is not fair to let the 'Sword of Damocles' [as observed by the Hon'ble

Supreme Court in the case of **Union of India & Anr. Vs. Jahangir Byramji Jeejeebhoy (D), through his LR, 2024 SCC OnLine SC 489]** hanging over his head indefinitely, to be determined at the whims and fancies of the appellants.

16. The Hon'ble Supreme Court has held in a plethora of decisions that delay should not be excused as a matter of generosity. Rendering substantial justice is not a cause to prejudice the opposite party. Where the appellants failed to demonstrate that they were reasonably diligent in prosecuting the matter, delay cannot be condoned. If it is found that delay in filing the appeal has arisen due to the party's own negligence and casual attitude, the delay cannot be condoned on the grounds of doing substantial justice.

17. In ***Postmaster General and Others Vs. In Living Media India Limited and Another, (2012) 3 SCC 563***, the Hon'ble Supreme Court has held that delay cannot be condoned where the Government Department or the persons concerned have not evinced diligence in prosecuting the matter and taking appropriate steps. The Court has held that in the absence of a plausible and acceptable explanation, the delay cannot be condoned mechanically merely because the Government or a wing of the Government seeks condonation. The claim of impersonal machinery and inherited bureaucratic methodology of making several noting cannot be invariably accepted in view of modern technologies being used and available. It was reiterated that the law of limitation undoubtedly binds everybody, including the Government.

18. In ***Shivamma (Dead) by Lrs. Vs. Karnataka Housing Board & Ors., 2025 SCC OnLine SC 1969***, the Hon'ble Supreme Court conveyed an emphatic message to all the High Courts that delay should not be condoned on frivolous and superficial grounds, until a proper case of sufficient cause is made out, wherein the State machinery is able to establish that it acted with bona fides and remained vigilant all throughout. Procedure is a handmaid to justice, as is famously said, but courts, and more particularly the constitutional courts, ought not to obviate the procedure for a litigating State agency, which also equally suffers the bars of limitation from pursuing litigations due to its own lackadaisical attitude.

19. The Hon'ble Supreme Court held that the High Courts ought not give a legitimising effect to such a callous attitude of the State authorities or their instrumentalities and should remain extra cautious if the party seeking condonation of delay is a State authority. They should not become surrogates for State laxity and lethargy. The constitutional courts ought to be cognizant of the apathy and pangs of a private litigant. Litigants cannot be placed in situations of perpetual litigation, wherein the fruits of their decrees or favourable orders are frustrated at a later stage.

20. The Hon'ble Supreme Court has further observed that limitation periods are prescribed to maintain a sweeping scope for the lis to attain finality. More than the importance of judicial time, what worries is the plight of a litigant with limited means, who is to contest against an enormous State, and its elaborate and never-exhausting paraphernalia. Such litigations deserve to be

disposed of at the very threshold, because, say, if a party litigating against the State, for whatever reason, is unable to contest the condonation of delay in appeal, unlike the present case, it reopens the *lis* for another round of litigation, and leaves such litigant listless yet again. As courts of conscience, Courts are obligated to ensure that a litigant is not sent from pillar to post to seek justice. No litigant should be permitted to be so lethargic and apathetic, much less be permitted by the courts to misuse the process of law.

21. Applying the above principles to the gross facts of the present case and upon overall consideration of the facts and circumstances involved, we dismiss I.A. No. 1358 of 2025 without any order for costs.

22. Accordingly, the accompanying appeal will not survive and is disposed of. Other pending Interlocutory Applications, if any, do not survive and are disposed of.

(M. S. Sonak, C.J.)

(Manoj Prasad, J.)

September 28, 2026

N.A.F.R.

APK/VK

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