IN THE HIGH COURT OF JHARKHAND AT RANCHI
L.P.A. No. 516 of 2025

1. The State of Jharkhand, through the Secretary, Department of Personnel, Administrative Reforms and Rajbhasha, Project Building, Dhurwa, Ranchi
2. The Secretary, Rural Development Department, Government of Jharkhand, Ranchi
3. The Divisional Commissioner, Dumka Division, Dumka
4. The Deputy Commissioner, Sahebganj
5. The Manaing Director, District Rural Development Agency (D.R.D.A), Sahebganj
6. The Establishment Deputy Collector, Sahebganj

... ... Appellants

Versus

1. Pawan Kumar, S/o Late Yogendra Prasad, At present R/o Sakroogarh Mohalla Near S.D.O Kothi, Sahebganj
2. Smt. Lushiya Murmu, W/o Late Laus Marandi, presently posted on the post of IVth Grade under Anchal Adhikari, Sahebganj
3. Md. Sakil Ahmad, S/o Siddique Mian, presently posted on the post of IVth Grade in the office of B.D.O, Sahebganj
4. Sri Parmanand Pal, Assistant (Retd.), presently R/o Village-Samlapur, PO, PS & District-Sahebganj

... ... Respondents

CORAM: HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE RAJESH SHANKAR

For the Appellants : Mr. Ashok Kumar Yadav, Sr. SC-I
Mr. Abhijeet Anand, AC to Sr. SC-I
For the Respondent No. 1 : Ms. Saba Ali, Advocate
For the Respondent No. 3 : Mr. Ashish Gautam, Advocate

Order No. 03 **Dated: 21.09.2026**

I.A. No. 3862 of 2025

1. Heard Mr Ashok Kumar Yadav, learned Sr. SC-1, appearing for the appellants, with Mr Abhijeet Anand; Ms Saba Ali appears for the 1st respondent, and Mr Ashish Gautam for the 3rd respondent.

2. The record shows that the 2nd respondent has expired. However, since we are satisfied that no case has been made out for condonation of delay, we need not await the heirs of the deceased 2nd respondent to come on record.

3. This I.A. seeks condonation of delay of 228 days in filing the accompanying appeal against learned Single Judge's order dated 10.07.2024 in W.P.(S) No. 773 of 2017.

4. Although the impugned order was passed on 10.07.2024 and immediately communicated to the appellant-department, the appellants waited for the original petitioners to represent to them on 29.08.2024 for implementation. Thereafter, the Deputy Development Commissioner, Sahebganj, was requested to take steps to file the appeal memo. Paragraph-6 in which such averment is made, contains no details whatsoever.

5. Paragraph-7 refers to the announcement of the Assembly Election, 2024, on 15.10.2024. However, there is no explanation for why no appeal was filed on any of the several dates between 10.07.2024 and 15.10.2024.

6. Paragraph-8 then refers to a decision to constitute a three-member committee on 12.12.2024 "*with respect to the file memo of appeal against the order dated 10.07.2024 passed in W.P.(S) No. 773 of 2017*".

7. We failed to understand why, in a small matter of this nature, a decision was taken to constitute a three-member committee. In any event, constituting such a committee cannot explain the delay. Otherwise, by constituting such committees and then citing difficulties of the committee members, the State will completely undermine the statutory limitation period prescribed by the legislature.

8. Paragraph nos. 9 to 11 then refer to routine correspondence

regarding filing the appeal.

9. Paragraph nos. 12 and 13 refer to opinions of the learned Advocate General. The remaining paragraphs refer to the time spent on preparing the appeal memo.

10. Based on the averments in the I.A., we are satisfied that no sufficient cause has been shown, and this is only a case of movement of files from one table to another. Merely because some committee was constituted, that would not afford any good reason for not filing the appeal within the period of limitation or at least within a reasonable period thereafter.

11. Ultimately, the application does not refer to any decision or deliberations before the committee.

12. Mr Yadav argued that the appellants have a very good case on merits and therefore, the delay should be condoned. Unless sufficient cause is shown and the delay is condoned, there is no question of addressing the merits of the matter.

13. Mr Yadav, however, pointed out that this Court, in its order dated 06.10.2025 in L.P.A. No. 277 of 2023 has accepted the State's case that no regularisation can be granted in the government departments for employees working in the District Rural Development Agency (DRDA).

14. The issue involved in this case is quite different. Here, the Government issued an advertisement, and most employees were appointed in government departments, while a few, like the respondents herein, were posted at the DRDA without any rhyme or reason. Therefore, they alleged that their posting to

the DRDA was illegal and arbitrary, a contention the learned Single Judge accepted while passing the impugned order.

15. Further, the learned Single Judge by relying upon the order of the Division Bench dated 28.06.2017 in L.P.A. No. 441 of 2016 has held that where employees were appointed subject to the recruitment process in the establishment of the district-level government department, they could not have been transferred or posted in the DRDA. The learned Single Judge's view is consistent with the Coordinate Bench in L.P.A No. 441 of 2016. Therefore, even the contention about the appellants having a good case on merits and that the delay should be condoned on that ground cannot be accepted.

16. In **Postmaster General & Ors. Vs. In Living Media India Limited & Anr.**, reported in **(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.

17. In **Union of India & Anr. Vs. Jahangir Byramji Jeejeebhoy (D), through his LR**, reported in **2024 SCC Online SC 489**, the Hon'ble Supreme Court held that even the length of the delay is a relevant factor that the Court must consider when dealing with applications for condonation of delay. The Court noted that, from the tenor or approach of the appellants, it appeared that they sought to fix their own period of limitation for instituting proceedings for which the law has prescribed a period of limitation. Once it is held that a party has lost its right to have the matter considered on the merits because of its own inaction for a long time, it cannot be presumed that the delay was not deliberate, and in such circumstances the party cannot be heard to plead that substantial justice deserves to be preferred against technical considerations.

18. The Court also held that, when considering a 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 parties seeking condonation. It is only if the cause assigned by the litigant is sufficient and the opposition of the other side is equally balanced that the court may bring the merits of the matter into aid for the purpose of condoning the delay. Further, the question of limitation is not merely a technical consideration. The rules of limitation are based on the principles of sound public policy and equity.

19. The Hon'ble Court held that the 'Sword of Damocles' cannot be kept hanging over the head of the respondent for an indefinite period of time to be determined at the whims and fancies of the appellants. The Court noted that in a plethora of decisions, it has been said that the delay should not be excused as a matter of generosity. Rendering substantial justice is not to cause prejudice to the opposite party. Where the appellants failed to demonstrate that they were reasonably diligent in prosecuting the matter, the delay cannot be condoned. If it is found that the 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.

20. In **Shivamma (Dead) by Lrs. Vs. Karnataka Housing Board & Ors.,** reported in **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.

21. 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.

22. 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.

23. Applying the above principles to the gross facts of this case, we are satisfied that no sufficient cause has been shown and

consequently, we dismiss the I.A.

24. As a result, the accompanying appeal will not survive and is disposed of. If there are any other I.As., even they will not survive and are hereby disposed of.

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

(Rajesh Shankar, J.)

September 21, 2026
Manish/Ritesh
N.A.F.R

Uploaded on 24.09.2026