IN THE HIGH COURT OF JHARKHAND AT RANCHI
L.P.A. No. 495 of 2025

1. The State of Jharkhand
2. The Secretary-cum-Commissioner, Rural Development Department, Secretariat, Dhurwa, Ranchi
3. The Director Development of Women & Child for Rural Area (DWCRA), Jharkhand, Dhurwa, Ranchi
4. The Commissioner, Godda
5. The Dy. Commissioner, Godda
6. The Dy. Development Commissioner, Godda
7. The Dy. Commissioner-cum-Chairman, Godda
8. The Dy. Development Commissioner-cum-Dy. Chairman, District Rural Development Agency, Godda

... ... Appellants

Versus

1. Ranjana Rani, W/o Shiv Shankar Prasad Ram, Ex-Gram Sevika, Meharma Block, PO & PS-Meharma, District-Godda
2. Chandra Lekha Kumari, W/o Sri Ram Nath Modi, Ex-Gram Sevika, Boarijor Block, PO & PS-Boarijor, District-Godda
3. Lilita Devi @ Lalita Kumari, Ex-Gram Sevika, Poraiyahat Block, PO & PS-Poraiyahat, District-Godda

... ... Respondents

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

For the Appellants : Mr. J.F. Toppo, GA-V
For the Respondents : Mrs. M.M. Pal, Sr. Advocate
Mrs. Manjusri Patra, Advocate

Order No. 02 **Dated: 21.09.2026**

I.A. No. 4231 of 2025

1. Heard Mr J.F. Toppo, learned GA-V for the applicants and Mrs M.M. Pal, learned Sr. Advocate, appearing on behalf of the respondents.

2. This application seeks condonation of delay of 267 days in filing the accompanying appeal.

3. The only reasons set out in the I.A. are contained in paragraphs 4 to 9 of the I.A., and even on a liberal construction, such reasons cannot constitute sufficient cause for condoning the delay of 267 days.

4. In paragraph 4, it is vaguely submitted that the impugned order came to the knowledge of the appellant-department and a decision was taken to file an appeal against the same.

5. The impugned order was passed after hearing the appellants' counsel. Therefore, the impugned order should have come to the knowledge of the appellants on the same date or within a few days thereafter. Based upon a vague statement without giving any particulars, no mileage can be sought to explain the delay of 267 days.

6. Paragraph-5 is equally vague inasmuch as it states that after complying with the formalities, the appellants thought it necessary to obtain a legal opinion from the learned Advocate General.

7. Paragraph-6 then says that after receiving the opinion from the learned Advocate General, the appellant-department instructed the preparation of the grounds of appeal.

8. Paragraph Nos. 7 & 8 state that the appellants prepared the grounds of appeal and sent them to the office of the concerned law officer on 13.02.2025 for drafting the Letters Patent Appeal.

9. Paragraph-9 then states that the drafting was complete on 25.02.2025 and the appeal was filed on 03.04.2025.

10. Based on vague, unverifiable averments, the delay of 267 days cannot be condoned. No sufficient cause has been shown in this matter.

11. 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.

12. 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.

13. 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.

14. 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.

15. 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.

16. 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.

17. 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.

18. Applying the above principles to the gross facts of this case, we are satisfied that no cause has been made out for condonation of delay. Condoning such delay when virtually no sufficient cause is shown would operate very harshly on the *Gram Sevikas* i.e., the original petitioners, who have been granted relief of payment of 50% of the back wages for a very limited period.

19. Accordingly, we dismiss the I.A. for condonation of delay.

20. 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