IN THE HIGH COURT OF JHARKHAND AT RANCHI

L.P.A. No. 595 of 2025

1. The State of Jharkhand, through the Chief Secretary, Ranchi
2. The Principal Secretary, Department of Water Resources, Government of Jharkhand, Ranchi
3. The Additional Secretary, Department of Water Resources, Government of Jharkhand, Ranchi
4. The Special Secretary, Department of Water Resources, Government of Jharkhand, Ranchi
5. The Joint Secretary, Department of Water Resources, Government of Jharkhand, Ranchi
6. The Under Secretary, Department of Water Resources, Government of Jharkhand, Ranchi

….. Appellants

Versus

1. Awadhesh Kumar, S/o Mahendra Baitha, R/o near Landmark Hotel, Flat No. 7B, Classic Sarkar Mansion, P.O. & P.S.-Lalpur, District-Ranchi
2. Jitan Das, Technical Secretary, having his office at Office of Chief Engineer, Rural Development, Special Zone, Rural Works Department, FFP Bhawan, P.O. & P.S.-Dhurwa, District-Ranchi ….. Respondents

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

For the Appellants: Ms. Rishi Bharti, A.C. to A.A.G.-III
For the Res. No. 1: Mr. Indrajit Sinha, Advocate
Mr. Chanchal Jain, Advocate

02/02.09.2026

I.A. No. 10354 of 2025:

1. Heard Ms Rishi Bharti, learned A.C. to A.A.G.-III, for the applicants/appellants and Mr Indrajit Sinha, Advocate, who appears along with Mr Chanchal Jain, Advocate, for the respondent No. 1.

2. This interlocutory application seeks condonation of delay of 204 days in filing the present appeal against the learned Single Judge's judgment and order dated 09.09.2024 allowing W.P.(S) No. 7415 of 2023.

3. Learned Single Judge's judgment and order dated 09.09.2024 has directed retrospective promotion of the respondent No. 1 on the date on which his junior was promoted to the post in question.

4. The junior, who was impleaded as the respondent No. 7 in the writ petition, has not challenged the impugned order and has also retired from service. Therefore, we fail to appreciate why the State has appealed the impugned order.

5. Be that as it may, we are satisfied that no sufficient cause has been shown for the delay in instituting this appeal.

6. After the impugned order was passed on 09.09.2024, the first effective step (if any) of placing it before the Under Secretary was taken only on 30.12.2024, i.e., after almost four months. A vague reason was given that elections were notified, and department officials were involved in the process. No particulars whatsoever have been provided. The time gap of almost four months remains completely unexplained.

7. After that, there is the usual reference to movement of files from table to table and officer to officer. Again, no particulars have been provided. Besides, such movement of files, by itself, cannot constitute sufficient cause for delaying the filing of appeals.

8. In ***Postmaster General and Others Vs. In Living Media India Limited and Another,*** 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.

9. 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.

10. 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.

11. 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.

12. 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 Statemachinery 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.

13. 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.

14. Applying the above principles to the gross facts of the present case, we are satisfied that no sufficient cause has been shown for condonation of delay in instituting the accompanying appeal.

15. Accordingly, the present interlocutory application is dismissed.

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16. As a consequence of dismissal of I.A. No. 10354 of 2025, the present appeal and other interlocutory applications therein, if any, shall not survive and are disposed of.

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

(RAJESH SHANKAR, J.)

02.09.2026
Satish/Vikas/