IN THE HIGH COURT OF JHARKHAND AT RANCHI

L.P.A. No. 679 of 2025

1. The State of Jharkhand through the Secretary, Road Construction Department, Government of Jharkhand, at Project Bhawan, P.O. Project Bhawan, P.S. Dhurwa, District Ranchi, Jharkhand
2. The Secretary, Building Construction Department, Government of Jharkhand, at Project Bhawan, P.O. Project Bhawan, P.S. Dhurwa, District Ranchi, Jharkhand
3. The Joint Secretary, Road Construction Department, Government of Jharkhand, at Project Bhawan, P.O. Project Bhawan, P.S. Dhurwa, District Ranchi, Jharkhand
4. The Additional Secretary, Road Construction Department, Government of Jharkhand, at Project Bhawan, P.O. Project Bhawan, P.S. Dhurwa, District Ranchi, Jharkhand

… Appellants/Respondents

Versus

1. Kaushal Kishore, son of Late R.N. Singh, resident of Ma Sureva Bhawan, Abhimanyu Nagar, P.O. & P.S. Chas, District Bokaro

… Respondent/Petitioner

2. The Accountant General, Jharkhand, Doranda, P.O. & P.S. Doranda, District Ranchi, Jharkhand

... Respondent/Respondent

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

For the Appellants :Mr Ashok Kumar Yadav, Sr. S.C.-I
Mr Rahul Kamlesh, A.C. to S.C.-IV
For the Resp. No.2 :Mr Sunil Kumar Agarwal, Advocate

03/Dated: 02.11.2026

I.A. No. 14003 of 2025

1. This I.A. seeks condonation of delay of 291 days in filing the accompanying appeal.

2. Heard Mr Ashok Kumar Yadav Sr. S.C-I, who appears with Mr Rahul Kamlesh, for the appellants and Mr Rahul Kumar, for the respondent no. 1 and Ms Richa Sanchita for respondent no.2-Accountant General.

3. On perusal of the I.A., we find that routine, unverifiable reasons for the movement of files from one table to another and from one officer to another have been pleaded as the cause of this delay of 291 days. Time and again, this Court, as well as the Hon'ble Supreme Court, has held that delay cannot be condoned on such excuses.

4. The I.A. refers to the decision of the Hon'ble Supreme Court in **State of Jharkhand & Ors. Vrs. Md. Noor Hasan** in **S.L.P (C) No. 27014 of 2024** and **State of Jharkhand & Anr. Vrs. Jitendra Prasad Sinha** in **S.L.P (C) No. 4427 of 2025**. In both these cases, the facts and circumstances were completely different and not comparable to what is pleaded in the present I.A.

5. Merely stating that the delay was due to *"inter-departmental communications and obtaining of opinions" i*s not sufficient. Similarly, the omnibus statement which is invariably found in most of the State's applications seeking condonation of delay to the effect that the "*government functionaries have several layers of decision-making process"* and therefore, the delay overcoming such several layers should be regarded as sufficient cause, cannot be routinely accepted.

6. In **State of Jharkhand v. Ramesh Kumar Pathak**, I.A. No. 12383 of 2025 in L.P.A. No. 624 of 2025, and in I.A. No. 10765 of 2025 in L.P.A. No. 741 of 2025, this Court declined to condone delay on virtually identical grounds. This was after referring to several decisions of the Hon'ble Supreme Court on the subject, including the following: **State of Odisha and others Vs. Managing Committee of Namatara Girls High School**, 2026 SCC OnLine SC 191; **Postmaster General and Others Vs. In Living Media India Limited and Another**, (2012) 3 SCC 563; **Union of India & Anr. Vs. Jahangir Byramji Jeejeebhoy**, 2024 SCC Online SC 489; and **Shivamma (Dead) by Lrs. Vs. Karnataka Housing Board & Ors**., 2025 SCC OnLine SC 1969.

7. Therefore, applying the ratio of the above orders and the above-referred decisions of the Hon'ble Supreme Court, we are satisfied that no case is made out for condoning the delay.

8. Mr Yadav submitted that the appellants have a good case on merits.

9. Aside from the principle that the merits of a matter are not to be considered at the stage of deciding an application for condonation of delay, we note that in this case the learned Single Judge has quashed the appellants' order withholding the respondents' gratuity. This penal order was passed without following the principles of natural justice and in breach of the applicable statutory provisions. Accordingly, there is no point in liberally construing the cause shown or prolonging the respondent's misery any further.

10. For the reasons set out above, we dismiss the I.A. seeking condonation of a delay of 291 days in instituting the accompanying appeal.

11. Accordingly, the accompanying appeal does not survive and is dismissed without any order as to costs.

12. Pending I.As, if any, will not survive and are hereby disposed of.

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

(Manoj Prasad, J.)

November 02, 2026

Pramanik/Anjali/Cp.2
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