IN THE HIGH COURT OF JHARKHAND AT RANCHI

I.A. No. 12383 of 2025

In / And

L.P.A. No. 624 of 2025

1. The State of Jharkhand.
2. The Secretary, Forest, Environment Climate Change Department, and Government of Jharkhand, at P.O. and P.S. Doranda, Dist. Ranchi.
3. The Principal Chief Conservator of Forest, Department of Forest, Environment and Climate Change, Government of Jharkhand, P.O. and P.S. Doranda, Dist. Ranchi.

... Respondents/Appellants

Versus

1. Ramesh Kumar Pathak, aged about 60 years son of late Rajeshwar Pathak, resident of Forest Colony, Near Block, Quarter No. 13, P.O., P.S and Dist. Latehar.
2. Sachchida Nand Singh, aged about 59 years, son of late Laldeo Singh, resident of Government Quarter, at P.O. & P.S. Barwadih, Kutku Range, Dist. Latehar.
3. Rabindra Kumar Sinha, aged about 59 years three months, son of late Yogendra Nath Lal, at P.O. & P.S. Chandwa, Block Colony, Dist. Latehar.
4. Parmeshwar Sahu, aged about 58 years, son of late Ram Dayal Sahu, resident of village and P.O. Katma, P.S. Chandwa, Dist. Latehar.
5. Sk. Kayum Ansari, aged about 54 years, son of late Sk. Ahmad Ansari, resident of Village – Ichak, P.O. and P.S. Latehar, Dist. Latehar.

... Writ Petitioners/Respondents

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

For the Appellants: Mr Ashok Kumar Yadav, Sr. S.C.-I
For Resp. Nos.1,2&4: Mr Akhouri Sankalp, Advocate

06/Dated: 27.10.2026

***Per* M. S. Sonak, C.J.**

1. Heard Mr Ashok Kumar Yadav for the applicants and Mr Akhouri Sankalp for respondent Nos. 1, 2 and 4.

2. The respondent No.3 has expired. Despite opportunity, no steps were taken by the applicants to bring on record the legal representatives of the deceased - respondent No. 3.

3. Therefore, ultimately, on 02.09.2026, this Court granted a final opportunity to the State to take steps to bring on record the legal representatives of the deceased - 3rd respondent. In this order, it was clarified that if no steps were taken within a week of the order, this appeal would stand dismissed against the legal representatives of the deceased-3rd respondent, without any further reference to this Court.

4. Despite the peremptory order, no steps were taken within a week to bring on record the legal representatives of the deceased-3rd respondent. Now, i.e. today, an Interlocutory Application has been filed seeking substitution.

5. Since, by virtue of the self-operating order dated 02.09.2026, this appeal has already been dismissed as against the legal representatives of the deceased-3rd respondent, there is no question of entertaining an Interlocutory Application seeking substitution now. No I.A. has been filed seeking any restoration. Therefore, I.A. No. 15503 of 2026 is dismissed as not maintainable.

6. As to I.A. No. 12383 of 2025, we note that this I.A. seeks condonation of delay of 243 days in filing the accompanying appeal against the judgment and order dated 26.11.2024 in W.P.

(S) No. 2054 of 2018. Because of this delay, one of the respondents, who was the petitioner in W.P. (S) No. 2054 of 2018, died without receiving any benefits under the impugned order.

7. That, apart, on perusing the lengthy application for condonation of delay, we find that the applicants have pleaded only the movement of files from one officer to another or from one table to another.

8. The applicants also make the usual averments about submitting the files to various Advocates, either to seek their opinion or to have them draft the grounds of appeal, and then the usual delay in filing the appeal.

9. From the tenor of the averments in the I.A., it is apparent that the appellant and its officers are firmly convinced that the law of limitation framed by Parliament does not apply to them. They proceed on the premise that their so-called SOPs or bureaucratic procedures will supersede the law laid down by the Parliament. Therefore, whatever period of limitation Parliament may prescribe, the appellant insists on moving the files from officer to officer and from table to table before filing any appeal and is firmly convinced that the time spent must be excluded or accepted as sufficient cause.

10. The statements made in this regard are mostly unverifiable and are made as a matter of routine notwithstanding several decisions of the Hon'ble Supreme Court clarifying that such reasons do not constitute sufficient cause for condonation of delay.

11. Mr Yadav, however, submitted that the appellants have a very good case on merits and therefore, the delay should be condoned. He relied on the order dated 27.08.2026 in L.P.A. No. 223 of 2025, to submit that it covers the issue raised in this appeal in favour of the appellants-State.

12. In the first place, it is difficult to accept the contention that the order dated 27.08.2026 in L.P.A. No. 223 of 2025 covers the issue raised in this appeal. In any event, the Hon'ble Supreme Court, in **Union of India & Anr. Vs. Jahangir Byramji Jeejeebhoy,** 2024 SCC Online SC 489, has held that when considering a plea for condonation of delay, the Court must not start with the merits of the main matter. The Court must first ascertain the bona fides of the explanation offered by the parties seeking condonation. Only if the litigant's cause is sufficient and the other side's opposition is equally balanced may the Court bring the merits of the matter into aid to condone the delay. The Court clarified that the question of limitation is not merely a technical consideration, since the rules of limitation are based on sound public policy and equity.

13. For the reasons above, we cannot accept Mr Yadav's contention that this is a fit case for condoning the 243-day delay in filing the accompanying appeal because the appellant allegedly has a good case on merits.

14. In **State of Odisha vs Managing Committee of Namatara Girls High School,** 2026 SCC OnLine SC 191**,** the Hon'ble Supreme Court held that an "explanation" and an "excuse" differ as grounds

for condoning delay. Referring to its earlier decisions, the Court observed that there is a point beyond which even the Courts cannot help a litigant, even if that litigant is the Government, which is itself shackled by bureaucratic indifference. Since the law of limitation binds everybody, beyond a particular point no indulgence can be shown, even to the Government, which functions through an impersonal machinery. In this case, the appellant offers only excuses, not a cogent explanation.

15. In **Postmaster General and Others Vs. In Living Media India Limited and Another,** (2012)3 SCC 563, the Hon'ble Supreme Court held that delay cannot be condoned where the Government Department or the persons concerned have not shown diligence in pursuing the matter and taking appropriate steps. The Court held that, without 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 notings cannot be accepted as a matter of course, given the modern technologies available. It was reiterated that the law of limitation undoubtedly binds everybody, including the Government.

16. The Hon'ble Supreme Court has held that the "Sword of Damocles" cannot be kept hanging over the respondent's head indefinitely, at the appellants' whim and fancy. Therefore, delay should not be excused as a matter of generosity. Substantial justice

should not prejudice the opposite party. Where the appellants failed to demonstrate reasonable diligence in prosecuting the matter, the delay cannot be condoned. If it is found that delay in filing the appeal arose from the party's own negligence and casual attitude, the delay cannot be condoned on the ground of doing substantial justice. In this matter, due to the delay, one of the original petitioners expired without receiving any benefits under the impugned order.

17. 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 unless a proper case of sufficient cause is made out, in which the State machinery is able to establish that it acted in good faith and remained vigilant throughout. Procedure is a handmaid to justice, as is famously said, but courts, and more particularly the constitutional courts, ought not to obviate procedure for a litigating State agency, which also equally suffers the bars of limitation in pursuing litigation due to its own lackadaisical attitude.

18. The Hon'ble Supreme Court held that the High Courts ought not to lend legitimacy to such a callous attitude by State authorities or their instrumentalities and should remain particularly cautious when 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 mindful of the apathy and

distress 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.

19. The Hon'ble Supreme Court has further observed that limitation periods are prescribed to maintain a broad 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, 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 a litigant listless yet again. As courts of conscience, Courts are obligated to ensure that a litigant is not sent from pillar to post in search of justice. No litigant should be permitted to be so lethargic and apathetic, let alone be permitted by the courts to misuse the process of law.

20. Applying the above principles to the gross facts of the present case, we find that no sufficient cause has been shown to explain the 243-day delay in filing the accompanying appeal. Any undue indulgence will severely prejudice the surviving respondents because all that the impugned order has granted them is pensionary benefits under the old pension scheme, after clarifying that if any amount has been received by the original petitioners under the head of the contributory provident fund scheme, then the same

would have to be refunded by the original petitioners to the respondents, i.e. the appellants herein.

21. For the reasons above, we dismiss I.A. No. 12383 of 2025.

22. Accordingly, the accompanying appeal will not survive and is hereby dismissed. If there are any other pending IAs in this appeal, they will also not survive and are hereby disposed of.

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

(Manoj Prasad, J.)

October 27, 2026

N.A.F.R.

M.Kr./Sharda/Cp.2

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