IN THE HIGH COURT OF JHARKHAND AT RANCHI

I.A. No.14416 of 2025

In/And

L.P.A. No. 696 of 2025

1. State of Jharkhand through Secretary, Department of Industries Government of Jharkhand, Project Building, P.O. & P.S. Dhurwa, District Ranchi
2. General Manager, District Industry Centre, Hazaribagh, office at Suresh Colony, P.O.- H.P.O. Hazaribagh, P.S. Sadar, District Hazaribagh
3. Personal Manager, District Industries Centre, Hazaribagh, Office at Suresh Colony P.O.- H.P.O. Hazaribagh, P.S. Sadar, District Hazaribagh

... Appellants/Respondents

Versus

Sarbind Prasad, son of late Brij Nandan Prasad, resident of Village Prem Nagar Colony, P.O. Sindur, P.S. Korrah, District Hazaribagh

... Respondent/Petitioner

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

For the Appellants: Mr Kumar Rahul Kamlesh, A.C. to S.C.-IV
For the Respondent: Mr. Arwind Kumar, Advocate

03/ Dated: 25.11.2026

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

1. Heard Mr Rahul Kamlesh, learned A.C. to S.C.-IV for the appellants/applicants and Mr. Arwind Kumar, learned counsel for the respondent.

2. I.A. No.14416 of 2025 seeks condonation of delay of 242 days in filing the accompanying appeal against learned Single Judge's judgment and order dated 17.12.2024 disposing of W.P.(S) No.6531 of 2023.

3. By the impugned judgment and order, the learned Single Judge has set aside the action of the appellants withholding 10% of the pension and 100% of the gratuity payable to the respondent on the ground that a criminal prosecution was pending against the respondent.

4. The only explanation in the I. A relates to movement of files from one officer to the other or from one table to the other. By citing an unverifiable chronology, the I.A. submits that since the appellants are government functionaries with several layers of decision-making, the delay should be condoned. The I.A. also states that before filing any appeal, the appellants must follow standard operating procedures, which has taken some time.

5. The I.A. also submits that the appellant has a good case on merits and therefore, the delay should be condoned. The I.A. also refers to certain decisions of the Hon'ble Supreme Court and urges condonation relying upon the same.

6. We have considered the averments in the I.A., and we are satisfied that no sufficient cause has been shown. The reasons for this conclusion are set out hereafter in brief.

7. The decisions referred to in the I.A. were delivered on facts not at all comparable to those in the present case. Instead, there are several decisions of this Court and the Hon'ble Supreme Court where condonation of delay was declined when the excuses offered were almost identical to the excuses now set out in this I.A.

8. We refer to the order dated 27.10.2026 in I.A. No. 12383 of 2025 in L.P.A. No. 624 of 2025 and the order dated 18.06.2026 in L.P.A. No. 682 of 2025. In identical circumstances, condonation of delay was sought, but it was declined after consideration of the facts and the law on the subject. The S.L.P. against the order dated 18.06.2026 was dismissed by the Hon'ble Supreme Court on 03.09.2026.

9. Therefore, following the reasoning in the above two orders, as well as the decisions of the Hon'ble Supreme Court referred to therein, we dismiss this I.A.

10. The argument that the appellants have a good case on merits cannot be considered at this stage. In **Union of India & Anr. Vs. Jahangir Byramji Jeejeebhoy, 2024 SCC Online SC 489**, the Hon'ble Supreme Court has held that when considering the 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 and, only if the litigant's cause is sufficient and the other side's position is equally balanced, may bring the merits of the matter to bear to condone the delay.

11. In the present case, after perusing the learned Single Judge's order, we find no good ground to interfere with the same. Besides, Mr Arwind Kumar, learned counsel for the respondent, pointed out that by now, the respondent has already been acquitted in the criminal prosecution that was pending against him at that time.

12. In **State of Odisha vs Managing Committee of Namatara Girls High School, 2026 SCC OnLine SC 191,** the Hon'ble Supreme Court held that there is a point beyond which even the Courts cannot assist a litigant, even if that litigant is the Government, which is itself shackled by bureaucratic indifference. The law of limitation binds everyone, and beyond a certain point, no indulgence can be shown, even to the Government, even though it functions through an impersonal machinery. The Hon'ble Supreme Court also explained the difference between "excuses" and "explanation". The Court pointed out that reasons citing the movement of files or compliance with bureaucratic procedures are merely excuses, not valid explanations.

13. In **Postmaster General and Others Vs. In Living Media India Limited and Another, (2012) 3 SCC 563,** the Hon'ble Supreme Court held that the claim of impersonal machinery and inherited bureaucratic methodology of making several notings and obtaining several opinions before an appeal is filed cannot be accepted as a matter of course given the modern technologies available. It was reiterated that the law of limitation binds everybody, including the Government and 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 condoned as a matter of generosity, even though the respondent would be severely prejudiced.

14. 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. Hon'ble Supreme Court has held that the High Court should not lend legitimacy to callous attitude by the State Authorities and that 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. Litigant cannot be placed in situations of perpetual litigation, wherein the fruits of their decrees or favourable orders are frustrated at a later stage.

15. Applying the above principles to the gross facts of the present case, we are satisfied that no case is made out for condonation of delay. Any condonation at this stage would severely prejudice the respondent, who has been deprived of 10% of his pension and 100% of his gratuity due to the pendency of a criminal prosecution, without due compliance with legal procedures.

16. The subsequent development indicates that the respondent has been acquitted in the criminal proceedings. Any indulgence to the appellants/applicants at this stage would only prolong the respondent's misery by depriving him of his retiral benefits.

17. For all the aforesaid reasons, we dismiss the I.A. seeking condonation of delay. As a consequence, the accompanying appeal will not survive and is hereby disposed of.

18. If there are any other I.As. pending in this appeal, they too will not survive and are hereby disposed of. No costs.

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

(Manoj Prasad, J.)

November 25, 2026

N.A.F.R.

Pramanik/Anjali/Cp.2

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