

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**MONDAY, THE SECOND DAY OF MARCH
TWO THOUSAND AND TWENTY SIX**

PRESENT

**THE HONOURABLE SRI JUSTICE P.SAM KOSHY
AND
THE HONOURABLE SRI JUSTICE NARSING RAO NANDIKONDA**

**IA.No.1 OF 2025
IN/AND
WRIT APPEAL NO: 493 OF 2025**

Writ Appeal under clause 15 of the Letters Patent Preferred Against the Order dated 26/09/2023 in WP.No.4883 of 2019. on the file of the High Court.

Between:

1. The State of Telangana, rep by its Principal Secretary Home Police Department Secretariat Hyderabad
2. The Director General of Police, State of Telangana, Hyderabad.
3. The Commissioner of Police, Warangal City Warangal
4. The District Audit Officer, State Audit Department Warangal Urban.

...APPELLANTS/RESPONDENTS

AND

MD ZIKRIA, S/o Late Mohd Abdul Azeez Aged about 63 years Retired Head Constable No. 749, R/o H.No.194279/C/253 Jahanuma N S Kunta Charminar Falaknuma, Hyderabad.

...RESPONDENT/WRIT PETITIONER

IA NO: 1 OF 2025

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to condone the delay of 484 days in filing the present Appeal against the order dated 26.09.2023 in W.P.No.4883 of 2019 and to set aside order dated 26.09.2023 in W.P.No.4883 of 2019.

IA NO: 2 OF 2025

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the order dated 26.09.2023 in W.P.No.4883/2019.

**Counsel for the Appellants: SRI B.KRISHNA, Government Pleader for Services
(Home)**

Counsel for the Respondent: SRI C.SAI REDDY

The Court made the following: COMMON JUDGMENT

IA NO: 2 OF 2025

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the order dated 26.09.2023 in W.P.No.4883/2019.

**Counsel for the Appellants: SRI B.KRISHNA, Government Pleader for Services
(Home) :**

Counsel for the Respondent: SRI C.SAI REDDY

The Court made the following: COMMON JUDGMENT

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**THE HONOURABLE SRI JUSTICE P.SAM KOSHY -
AND
THE HONOURABLE SRI JUSTICE NARSING RAO -
NANDIKONDA -**

I.A.No.1 OF 2025 IN/AND W.A.No.493 OF 2025 -

02.03.2026

Between:

✓ The State of Telangana,
Rep. by its Principal Secretary Home Police
Department, Secretariat, Hyderabad and
3 others

...Appellants

A N D

Md. Zikria

...Respondent

COMMON JUDGMENT: *(per Hon'ble Sri Justice P.Sam Koshy)*

Heard Mr. B.Krishna, learned Government Pleader for
Services (Home) for the appellants and Mr. C.Sai Reddy, learned
counsel for the respondent. Perused the record.

2. The instant is a writ appeal has been filed along with
I.A.No. of 2025, which is an application seeking for condonation
of delay of 484 days in filing the writ appeal.

3. The order under challenge is one which was passed by the learned Single Bench in W.P.No.4883 of 2019, decided on 26.09.2023. In the course of allowing the said writ petition, the learned Single Bench in addition to setting aside the punishment of withholding of 20% pension for a period of five years has also directed to regularize the suspension period from 13.10.1988 to 14.11.1992 and 15.11.1992 to 31.12.2013 and treat the same as period spent on duty with all consequential benefits.

4. Though the order of the learned Single Bench is dated 26.09.2023 and there being no dispute on the fact that the order of the learned Single Bench having been obtained immediately thereafter, there seems to be no plausible or satisfactory explanation made available by the department seeking for the condonation of an inordinate delay of 484 days in filing of the appeal. The affidavit filed in support of the interlocutory application, filed under Section 5 of the Limitation Act, is of 11 pages. However, from the plain reading of the contents of the entire affidavit filed seeking for condonation of delay, what is revealed is that there is only one paragraph narrated in the

11 pages where the department had tried to explain the delay that has occurred in the filing of the appeal. For ready reference, we deem it fit to reproduce the said contents of paragraph 17 of the affidavit which is projected to be the only explanation that was available with the department which prevented them from filing the appeal within a reasonable period of time, if not within the period of limitation. Paragraph 17 reads thus:

"17. It is respectfully submitted that there is delay in preferring the writ appeal affidavit against the order of Hon'ble High Court dated 26.09.2023 in W.P.No.4883/2019, is due to the correspondence with Government through Chief Office. After receipt of representation dated 31.10.2023 from respondent, a letter vide C.No.55/PR-A5/WP/2014 dated 03.11.2023 was addressed to the Director General of Police, Telangana, Hyderabad forwarding his representation along with Hon'ble High Court order dated 26.09.2023 in W.P.No.4883 of 2019 and requested to apprise the detailed facts of this case to the Government and requesting to communicate orders for implementation of the Hon'ble High Court order dated 26.09.2023 in W.P.No.4883/2019, to avoid further legal complications. In turn, the Director General of Police, Telangana, Hyderabad has forwarded the same to the Government vide letter Rc.No.704/T4/2023 dated 18.11.2023. Further, a reminder letter was addressed to the Director General of Police, Telangana, Hyderabad vide letter C.No.55/PR-A5/2014 dated 05.09.2024 requesting to communicate the orders on said Hon'ble High Court order to avoid further legal complications. In turn, the Director General of Police, Telangana, Hyderabad has put up a reminder letter to the Government vide letter Rc.No.704/T4/2023 dated 28.09.2024 requesting to issue early orders to avoid further legal complications. Therefore a delay was caused in preferring writ appeal affidavit due to the above reasons/correspondence with the Government which may kindly be condoned and admitted".

5. The plain reading of the aforesaid said averments would clearly give an indication of how vague an application for limitation has been filed seeking for condonation of delay. The aforesaid paragraph does not provide for any details in respect of each day's delay that has occurred in the course of filing of appeal, except for the three correspondences which have been referred to dated 03.11.2023, 18.11.2023 and 05.09.2024 and again one on 28.09.2024. The correspondence dated 03.11.2023 apparently establishes the receipt of the judgment of the learned Single Bench by appellants/respondents which also gives an indication of the respondents being aware of the consequences that flows from the judgment of the learned Single Bench and, therefore, it was incumbent upon the appellants/respondents to have pursued upon the matter on top priority on day-to-day basis in ensuring that the appeal is filed within the period of limitation or at least within a period of time. 484 days by no means can be brought within the purview of a reasonable period of time nor justification made available by the appellants/respondents to be

acceptable as plausible or satisfactory explanation justifying the delay that has occurred.

6. In the case of **UNION OF INDIA vs. JAHANGIR BYRAMJI JEEJEEBHOY (D) THROUGH HIS LR¹**, the Hon'ble Supreme at paragraph 31 held as under:

31. In the case of Lanka Venkateswarlu (D) by LRs v. State of Andhra Pradesh, (2011) 4 SCC 363, this Court made the following observations:

"20. In N. Balakrishnan, [(1998) 7 SCC 123] this Court again reiterated the principle that : (SCC p. 127, para 11)

"11. Rules of limitation are not meant to destroy the rights of parties. They are meant to see that [the] parties do not resort to dilatory tactics, but seek their remedy promptly."

Further, in paragraphs 32 and 33, the Hon'ble Supreme held as under:

32. In the case of Pundlik Jalam Patil (D) by LRs. v. Executive Engineer, Jalgaon Medium Project, (2008) 17 SCC 448, this Court held as follows:

"19. In Ajit Singh Thakur Singh v. State of Gujarat [(1981) 1 SCC 495 : 1981 SCC (Cri) 184] this Court observed : (SCC p. 497, para 6)

"6. ... it is true that a party is entitled to wait until the last day of limitation for filing an appeal. But when it allows limitation to expire and pleads sufficient cause for not filing the appeal earlier, the sufficient cause must establish that because of some event or circumstance arising before limitation expired it was not possible to file the appeal within

¹ 2024 SCC Online 489

time. No event or circumstance arising after the expiry of limitation can constitute sufficient cause."

(emphasis supplied)

This judgment squarely applies to the facts in hand.

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21. Shri Mohta, learned Senior Counsel relying on the decision of this Court in *N. Balakrishnan v. M. Krishnamurthy* [(1998) 7 SCC 123] submitted that length of delay is no matter and acceptability of explanation is the only criterion. It was submitted that if the explanation offered does not smack of mala fides or it is not put forth as a part of dilatory tactics, the court must show utmost consideration to the suitor. The very said decision upon which reliance has been placed holds that the law of limitation fixes a lifespan for every legal remedy for the redress of the legal injury suffered. Unending period for launching the remedy may lead to unending uncertainty and consequential anarchy. The law of limitation is thus founded on public policy. The decision does not lay down that a lethargic litigant can leisurely choose his own time in preferring appeal or application as the case may be. On the other hand, in the said judgment it is said that court should not forget the opposite party altogether. It was observed : (SCC p. 128, para 11)

"11. ... It is enshrined in the maxim *interest reipublicae ut sit finis litium* (it is for the general welfare that a period be put to litigation). Rules of limitation are not meant to destroy the rights of the parties. They are meant to see that parties do not resort to dilatory tactics but seek their remedy promptly. The idea is that every legal remedy must be kept alive for a legislatively fixed period of time."

22. In *Ramlal v. Rewa Coalfields Ltd.* [AIR 1962 SC 361] this Court held that : (AIR pp. 363-65)

"In construing Section 5 of the Limitation Act, it is relevant to bear in mind two important considerations. The first consideration is that the expiration of period of limitation prescribed for making an appeal gives rise to right in favour of the decree-holder to treat the decree as binding between the parties and this legal right which has accrued to the decree-holder by lapse of time should not be light-heartedly disturbed. The other consideration which cannot be ignored is that if sufficient cause of excusing delay is shown discretion is given to the court to condone the delay and admit the appeal. It is further necessary to emphasise that even if the sufficient cause has been shown a party is not entitled to the condonation of delay in question as a matter of right. The proof of a sufficient cause is a condition

precedent for the exercise of the discretionary jurisdiction vested in the court by Section 5. This aspect of the matter naturally introduces the consideration of all relevant facts and it is at this stage the diligence of the party or its bona fides may fall for consideration."

(emphasis supplied)

23. On the facts and in the circumstances, we are of the opinion that the respondent beneficiary was not diligent in availing the remedy of appeal. The averments made in the application seeking condonation of delay in filing appeals do not show any acceptable cause much less sufficient cause to exercise courts' discretion in its favour."

33. In the case of *Esha Bhattacharjee v. Managing Committee of Raghunathpur Nafar Academy*, (2013) 12 SCC 649, this Court made the following observations:

"21. From the aforesaid authorities the principles that can broadly be culled out are:

21.1. (i) There should be a liberal, pragmatic, justice-oriented, non-pedantic approach while dealing with an application for condonation of delay, for the courts are not supposed to legalise injustice but are obliged to remove injustice.

21.2. (ii) The terms "sufficient cause" should be understood in their proper spirit, philosophy and purpose regard being had to the fact that these terms are basically elastic and are to be applied in proper perspective to the obtaining fact-situation.

21.3. (iii) Substantial justice being paramount and pivotal the technical considerations should not be given undue and uncalled for emphasis.

21.4. (iv) No presumption can be attached to deliberate causation of delay but, gross negligence on the part of the counsel or litigant is to be taken note of.

21.5. (v) Lack of bona fides imputable to a party seeking condonation of delay is a significant and relevant fact.

21.6. (vi) It is to be kept in mind that adherence to strict proof should not affect public justice and cause public mischief because the courts are required to be vigilant so that in the ultimate eventuate there is no real failure of justice.

21.7. (vii) The concept of liberal approach has to encapsulate the conception of reasonableness and it cannot be allowed a totally unfettered free play.

21.8. (viii) There is a distinction between inordinate delay and a delay of short duration or few days, for to the former

doctrine of prejudice is attracted whereas to the latter it may not be attracted. That apart, the first one warrants strict approach whereas the second calls for a liberal delineation.

21.9. (ix) The conduct, behaviour and attitude of a party relating to its inaction or negligence are relevant factors to be taken into consideration. It is so as the fundamental principle is that the courts are required to weigh the scale of balance of justice in respect of both parties and the said principle cannot be given a total go by in the name of liberal approach.

21.10. (x) If the explanation offered is concocted or the grounds urged in the application are fanciful, the courts should be vigilant not to expose the other side unnecessarily to face such a litigation.

21.11. (xi) It is to be borne in mind that no one gets away with fraud, misrepresentation or interpolation by taking recourse to the technicalities of law of limitation.

21.12. (xii) The entire gamut of facts are to be carefully scrutinised and the approach should be based on the paradigm of judicial discretion which is founded on objective reasoning and not on individual perception.

21.13. (xiii) The State or a public body or an entity representing a collective cause should be given some acceptable latitude.

22. To the aforesaid principles we may add some more guidelines taking note of the present day scenario. They are:

22.1. (a) An application for condonation of delay should be drafted with careful concern and not in a haphazard manner harbouring the notion that the courts are required to condone delay on the bedrock of the principle that adjudication of a lis on merits is seminal to justice dispensation system.

22.2. (b) An application for condonation of delay should not be dealt with in a routine manner on the base of individual philosophy which is basically subjective.

22.3. (c) Though no precise formula can be laid down regard being had to the concept of judicial discretion, yet a conscious effort for achieving consistency and collegiality of the adjudicatory system should be made as that is the ultimate institutional motto.

22.4. (d) The increasing tendency to perceive delay as a non-serious matter and, hence, lackadaisical propensity can be exhibited in a nonchalant manner requires to be curbed, of course, within legal parameters."

7. Similar view has been reiterated by the Hon'ble Supreme Court in the case of **STATE OF MADHYA PRADESH vs. RAMKUMAR CHOUDHARY**² wherein at paragraphs 6 and 7, it was held as under:

6. At the same time, we cannot simply brush aside the delay occurred in preferring the second appeal, due to callous and lackadaisical attitude on the part of the officials functioning in the State machinery. Though the Government adopts systematic approach in handling the legal issues and preferring the petitions/applications/appeals well within the time, due to the fault on the part of the officials in merely communicating the information on time, huge revenue loss will be caused to the Government exchequer. The present case is one such case, wherein, enormous delay of 1788 days occasioned in preferring the second appeal due to the lapses on the part of the officials functioning under the State, though valuable Government lands were involved. Therefore, we direct the State to streamline the machinery touching the legal issues, offering legal opinion, filing of cases before the Tribunal/Courts, etc., fix the responsibility on the officer(s) concerned, and penalize the officer(s), who is/are responsible for delay, deviation, lapses, etc., if any, to the value of the loss caused to the Government. Such direction will have to be followed by all the States scrupulously.

7. There is one another aspect of the matter which we must not ignore or overlook. Over a period of time, we have noticed that whenever there is a plea for condonation of delay be it at the instance of a private litigant or State the delay is sought to be explained right from the time, the limitation starts and if there is a delay of say 2 years or 3 years or 4 years till the end of the same. For example if the period of limitation is 90 days then the party seeking condonation has to explain why it was unable to institute the proceedings within that period of limitation. What events occurred after the 91st day till the last is of no consequence. The court is required to consider what came in the way of the party that it was unable to file it between the 1st day and the 90th day. It is true that a party is entitled to wait until the last day of limitation for filing

² 2024 SCC OnLine SC 3612

an appeal. But when it allows the limitation to expire and pleads sufficient cause for not filing the appeal earlier, the sufficient cause must establish that because of some event or circumstance arising before the limitation expired it was not possible to file the appeal within time. No event or circumstance arising after the expiry of limitation can constitute such sufficient cause. There may be events or circumstances subsequent to the expiry of limitation which may further delay the filing of the appeal. But that the limitation has been allowed to expire without the appeal being filed must be traced to a cause arising within the period of limitation. (See : *Ajit Singh Thakur Singh v. State of Gujarat*, (1981) 1 SCC 495 : AIR 1981 SC 733).

8. The principles established in *Union of India v. Jhangir* and *State of Madhya Pradesh v. Ramkumar Choudhary* are directly applicable to the present case where the State seeks condonation of 484 days delay in filing the writ appeal.

9. In *Jahangir (Supra)*, the Hon'ble Supreme Court emphasized that while the law of limitation is founded on public policy to prevent unending uncertainty and litigation, courts must not condone delays caused by lethargic or lackadaisical conduct and that sufficient cause must be established as a condition precedent for exercising discretionary jurisdiction under Section 5 of the Limitation Act. The Court highlighted that the explanation for delay must cover the period within the limitation period itself, and

events occurring after the expiry of limitation cannot constitute sufficient cause.

10. Similarly, in *Ramkumar Choudhary (supra)*, though the Court acknowledged that the State should be given some acceptable latitude and directed streamlining of government machinery to fix responsibility on erring officials, it also underscored that callous and lackadaisical attitude of officials cannot be a ground to routinely condone delays particularly when such delays cause loss to public exchequer. In the present case, the delay of 484 days in challenging the judgment dated 26.09.2023 appears to be attributable to administrative lapses and lack of diligence on the part of State officials rather than any event or circumstance arising within the limitation period that prevented timely filing of the appeal. Applying these precedents this Bench found that the State failed to establish sufficient cause for condonation as the explanation offered did not demonstrate why the appeal could not be filed within the prescribed limitation period thereby warranting rejection of the application for condonation of delay.

11. In view of the aforesaid factual backdrop and also the legal precedents that have been laid by the Hon'ble Supreme Court, we are of the considered opinion that no strong case has been made out by the State so far as the condone delay i.e., I.A.No.1 of 2025 is concerned in the course of challenge to the judgment dated 26.09.2023 passed in W.P.No.4883 of 2019.

12. I.A.No.1 of 2025, thus being devoid of merits, deserves to be and is accordingly rejected. As a consequence, the writ appeal also stands rejected. There shall be no order as to costs.

Consequently, miscellaneous petitions pending, if any, shall stand closed.

SD/- L.LAKSHMI BABU
DEPUTY REGISTRAR



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TKS



HIGH COURT

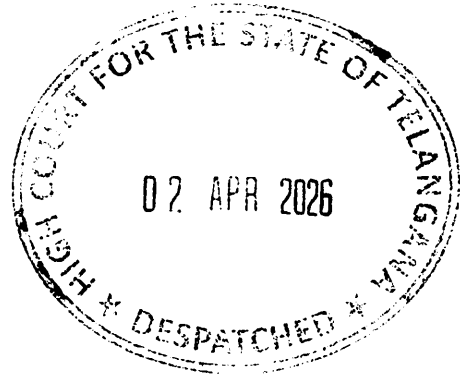
DATED:02/03/2026

COMMON JUDGMENT

IA.NO.1 OF 2025

IN/AND

WA.No.493 of 2025



**REJECTING THE IA AND WRIT APPEAL
WITHOUT COSTS**

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