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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

LPA-1339-2026 (O&M)

Date of Decision:- 18.05.2026

STATE OF PUNJAB AND OTHERS

....Appellants

Vs.

MONICA SAINI

...Respondent

CORAM:- HON'BLE MR. JUSTICE JASGURPREET SINGH PURI
HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Ms.Arunadhathi Kulshreshtha, AAG, Punjab.

JASGURPREET SINGH PURI, J. (ORAL)

CM-3258-2026

1. The present is an application under Section 5 of Limitation Act, 1963 for condonation of delay of 546 days in filing of the present appeal.

2. Learned Assistant Advocate General for the State, while referring to the grounds taken in the aforesaid application, submitted that although there is a delay of 546 days in filing the present Letters Patent Appeal, the same has occurred on account of various steps being taken towards obtaining legal opinion from different authorities in filing the present appeal. She further submitted that after the receipt of the judgment



passed by the learned Single Judge, a legal opinion was sought from the office of the Advocate General, Punjab, and thereafter, the matter was sent to the Department of Finance, Punjab, being the competent authority to take an appropriate decision in this regard.

3. Thereafter, approval was granted by the aforesaid department for filing the present appeal, and the draft LPA was sent to the Secretary to Government of Punjab, Department of Health and Family Welfare, Punjab, for approval. Thereafter, directions were issued by the Government to file the appeal, and the draft LPA was sent to the office of learned Advocate General, Punjab, for vetting. The learned Advocate General raised various objections and made certain corrections in the draft, thereafter the same was again sent back to the Government for taking further necessary actions.

4. After incorporating the amendments and suggestions as advised by the office of the Advocate General, Punjab, the draft was again sent to the Government for approval and thereafter forwarded for vetting. It was on account of the aforesaid necessary procedural formalities and completion of paperwork that the present LPA could not be filed within the prescribed time. Therefore, the delay of 546 days caused in filing the appeal is neither intentional nor wilful and deserves to be condoned. She also submitted that in case delay is not condoned then it may cause financial loss to the Government and on this ground as well, delay may be condoned.

5. We have heard learned Assistant Advocate General, Punjab. A perusal of the application, as well as the submissions made by the learned



Assistant Advocate General, makes it clear that there is a huge delay of 546 days, which has occurred on account of procedural communication between different departments of the State for seeking opinions and approval of the draft LPA. The delay was merely caused due to inter-departmental communication and procedural formalities.

6. An argument was raised by learned Assistant Advocate General that financial implication would be involved in case delay is not condoned. The learned Single Judge has allowed the writ petition on the ground that when the advertisement was issued, grade pay to the post of Psychiatrist Social Worker was Rs.3800/- but after issuance of advertisement, vide notification dated 21.12.2011 grade pay of the post was revised to be Rs.4200/- w.e.f. 01.12.2011. The said fact is clear from the notification dated (Annexure P-3), which has been conceded by the respondent – State. Once, the pay scale of the post on which the petitioners were recruited underwent a change, the respondents were under an obligation to grant the revised pay scale, which existed in the Rules governing the service on the date when the petitioners were appointed. It has also come in the judgment passed by learned Single Judge, other employees, who were working in the department on the same post were getting grade pay of Rs.4200/-. Therefore, the aforesaid argument raised by learned Assistant Advocate General appearing on behalf of the applicant would not be sustainable.

7. The law with regard to seeking condonation of delay in appeals especially when the applicant seeking condonation of delay is the

State or an instrumentality of the State is no longer *res integra*. Hon'ble



Supreme Court in latest judgment in *Shivamma (Dead) by LRS Versus Karnataka Housing Board and others, 2025 SCC OnLine SC 1969* observed that the administrative lethargy and laxity can never stand as a sufficient ground for condonation of delay. The relevant portion of the aforesaid judgment is reproduced as under:-

“261. Thus, for the reasons aforesaid, the impugned order of the High Court deserves to be set aside. Before we proceed to close this judgment, we deem it appropriate to make it abundantly clear that administrative lethargy and laxity can never stand as a sufficient ground for condonation of delay, and we want to convey an emphatic message to all the High Courts that delays shall not be condoned on frivolous and superficial grounds, until a proper case of sufficient cause is made out, wherein the State-machinery 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, who also equally suffer the bars of limitation from pursuing litigations due to its own lackadaisical attitude.

262. The High Courts ought not give a legitimizing effect to such callous attitude of State authorities or its 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 litigations, wherein the fruits of their decrees or favourable orders are frustrated at later stages. We are at pains to reiterate this everlasting trend, and put all the High Courts to notice, not to reopen matters with inordinate delay, until sufficient cause exists, as by doing so the courts only add insult to the injury, more particularly in appeals under Section 100 of the CPC, wherein its jurisdiction is already limited to questions of law.

263. Limitation periods are prescribed to maintain a sweeping scope for the lis to attain for finality. More than the importance of judicial time, what worries us 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, say 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 litigant listless yet again. As courts of conscience, it is our obligation that we assure that a litigant is not sent from pillar to post to seek justice.



264. No litigant should be permitted to be so lethargic and apathetic, much less be permitted by the courts to misuse the process of law.”

(emphasis supplied)

8. Consequently, we are of the considered view that it is settled law that mere inter-departmental communication cannot not be termed to be sufficient cause within the ambit of Section 5 of Limitation Act especially when the appellant is the State authority or its instrumentality because no special treatment can be given to them and rather larger responsibility is imposed. The latin maxims '*interest reipublicae ut sit finis litium*' and '*vigilantibus non dormientibus jura subveniunt*' would be applicable to the present case. Had it been a minor delay due to the aforesaid reasons, this Court would have considered in a different manner but aforesaid inordinate delay of 546 days has occurred due to the grounds taken in the application which cannot be said to constitute sufficient cause for condonation of delay. Consequently, we are of the considered view that the aforesaid large delay cannot be condoned because of the aforesaid reasons.

9. In view of the facts and circumstances, we are of the considered view that no ground is made out for condonation of delay and therefore, the application for condonation of delay is, hereby, dismissed.

10. Since the application seeking condonation of delay has been dismissed the Letters Patent Appeal also stands dismissed.



11. Pending miscellaneous application(s), if any, shall also stand disposed of.

(JASGURPREET SINGH PURI)
JUDGE

(AMARJOT BHATTI)
JUDGE

18.05.2026
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Whether speaking/reasoned : Yes/No.
Whether reportable : Yes/No