



**CM-3646-LPA-2026 and
CM-3647-LPA-2026 in/and
LPA-1489-2026**

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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

(107)

**CM-3646-LPA-2026 and
CM-3647-LPA-2026 in/and
LPA-1489-2026
Date of Decision : May 21, 2026**

Bhushan Singh

.. Appellant

Versus

Financial Commissioner (Appeals) Punjab and others .. Respondents

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE DEEPAK MANCHANDA**

Present: Mr. Sagar Bathla, Advocate, for the appellant.

HARSIMRAN SINGH SETHI J. (ORAL)

1. Present appeal has been filed along with an application i.e. CM-3646-LPA-2026 for condonation of delay of 1267 days in filing the appeal challenging the order dated 29.10.2022 passed by the learned Single Judge in CWP No.24837 of 2022 by which, the claim of the petitioner (appellant herein) has been dismissed.

2. The writ petition was dismissed by the learned Single Judge rejecting the claim of the applicant-appellant for appointment as Lambardar of the village Mal Majra, Tehsil and District Hoshiarpur on 29.10.2022 and the period of limitation prescribed for filing an appeal under the Letters Patent is one month but present appeal has been filed after a period of more than three years along with an application seeking condonation of delay.



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3. We have heard learned counsel for the applicant-appellant and have gone through the record with his able assistance.

4. The counsel for appellant raised an argument for condonation of delay contending that though the judgment was pronounced by the learned Single Judge on 29.10.2022, the applicant-appellant, is layman having limited knowledge about the 30 days limitation period for filing the appeal and therefore, it was only in May, 2026 that the applicant-appellant decided to file an appeal and by the said date, the delay of 1267 days had already occurred hence, the said delay is a procedural delay, which is a bona fide mistake on behalf of the appellant and the same may kindly be condoned.

5. It is a settled principle of law that the delay has to be explained for each day to satisfy the Court that the delay was not only bona fide but was beyond the control of the applicant-appellant. In the present case, no such averments that the delay was beyond the control of the applicant-appellant, have been mentioned.

6. Further, ignorance of law is not a ground to grant the relief. The argument raised for condonation of delay is that the applicant-appellant being a layman did not know the law so as to file an appeal within a prescribed period of 30 days of the passing of the order by the learned Single Judge hence, even the said ground cannot be accepted.

7. Further, once the applicant-appellant is approaching this Court for being appointed as a Lambardar to take care of residents of the village, Mal Majra, Hoshiarpur, so he cannot portray himself to be a layman. A



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person who wants to be a leader and comes to the support of the villagers, must know the law so as to help the others.

8. As per the settled principle of law settled by the Hon'ble Supreme Court of India in ***Civil Appeal No. 2474-2475 of 2012 titled as Office of the Chief Post Master General and others Vs. Living Media India Ltd. and another, decided on 24.02.2012***, each day's delay is to be explained so as to satisfy the Court that the delay caused was beyond the control of the applicants-respondents. The relevant paragraphs of the said judgment are as under:-

“2. The following issues arise for consideration:

a) Whether the Office of the Chief Post Master General has shown sufficient cause for condoning the delay of 427 days in filing SLPs before this Court. Depending on the outcome of the above issue, other issues to be considered are:

b) Whether the impugned advertisement inserted in the Reader's Digest issue of December, 2005 is in conformity with the requirement of law.

c) Whether the Department has made out a case for interference under Article 136 of the Constitution of India to reopen concurrent findings of fact rendered by the High Court.

xxxxx xxxx xxxxx xxxxx xxxxx.

13. In our view, it is the right time to inform all the Government bodies, their agencies and instrumentalities that unless they have reasonable and acceptable explanation for the delay and there was bona fide effort, there is no need to accept the usual explanation that the file was kept pending for several months/years due to considerable degree of procedural red-tape in the process. The Government departments are under a special obligation to ensure that they perform their



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duties with diligence and commitment. Condonation of delay is an exception and should not be used as an anticipated benefit for Government departments. The law shelters everyone under the same light and should not be swirled for the benefit of a few. Considering the fact that there was no proper explanation offered by the Department for the delay except mentioning of various dates, according to us, the Department has miserably failed to give any acceptable and cogent reasons sufficient to condone such a huge delay. Accordingly, the appeals are liable to be dismissed on the ground of delay.

14. In view of our conclusion on issue (a), there is no need to go into the merits of the issues (b) and (c). The question of law raised is left open to be decided in an appropriate case. In the light of the above discussion, the appeals fail and are dismissed on the ground of delay. No order as to costs.”

9. Thereafter, again the same question came up for consideration before the Hon’ble Supreme Court of India in **Civil Appeal No. 4672 of 2024 titled as Union of India and another vs. Jahangir Byramji Jeejeebhoy (D) through his LR, decided on 03.04.2024**, by placing reliance upon the judgment in **Chief Post Master General’s case (supra)**, the Hon’ble Supreme Court of India again held that each day’s delay is to be explained and further, the delay cannot be excused as a matter of generosity and it is only at the sufficient cause exist, by keeping the interest of the other party and balancing the equities, the issues of condonation of delay are to be decided. The relevant paragraph of the said judgment is as under:-

“ 26. The length of the delay is a relevant matter which the court must take into consideration while considering whether the delay should be condoned or not. From the tenor of the approach of the appellants, it appears that they want to



fix their own period of limitation for instituting the proceedings for which law has prescribed a period of limitation. Once it is held that a party has lost his right to have the matter considered on merits because of his own inaction for a long, it cannot be presumed to be non-deliberate delay and in such circumstances of the case, he cannot be heard to plead that the substantial justice deserves to be preferred as against the technical considerations. While considering the plea for condonation of delay, the court must not start with the merits of the main matter. The court owes a duty to first ascertain the bona fides of the explanation offered by the party seeking condonation. It is only if the sufficient cause assigned by the litigant and the opposition of the other side is equally balanced that the court may bring into aid the merits of the matter for the purpose of condoning the delay.

27. We are of the view that the question of limitation is not merely a technical consideration. The rules of limitation are based on the principles of sound public policy and principles of equity. We should not keep the 'Sword of Damocles' hanging over the head of the respondent for indefinite period of time to be determined at the whims and fancies of the appellants.

35. In a plethora of decisions of this Court , it has been said that delay should not be excused as a matter of generosity. Rendering substantial justice is not to cause prejudice to the opposite party. The appellants have failed to prove that they were reasonably diligent in prosecuting the matter and this vital test for condoning the delay is not satisfied in this case."

10. While applying the said settled principle of law in the existing facts and circumstances of the present case, the delay of more than three years and that too without any valid justification, cannot be condoned.



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11. Keeping in view the above mentioned fact, the delay of more than three years in the present case, cannot be condoned.

12. Keeping in view the above, the application for condonation of delay as well as the present appeal is dismissed being time barred.

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13. As the appeal is time barred, same is accordingly dismissed.

14. Civil miscellaneous application pending if any, also stands disposed of.

**(HARSIMRAN SINGH SETHI)
JUDGE**

May 21, 2026
harsha

**(DEEPAK MANCHANDA)
JUDGE**

Whether speaking/reasoned : Yes
Whether reportable : No