

(2014) 05 MP CK 0001

Madhya Pradesh High Court

Case No: Writ Appeal No. 575/2008

State of M.P. and
Others

APPELLANT

Vs

Pragati Bhandare

RESPONDENT

Date of Decision: May 8, 2014

Hon'ble Judges: Shantanu Kemkar, J; J.K. Jain, J

Bench: Division Bench

Advocate: Vinita Phaye, Learned Government Advocate for Appellant/State, Advocate for the Appellant

Final Decision: Dismissed

Judgement

1. Heard on IA No. 6342/2008, an application seeking condonation of delay in filing the appeal.
2. The delay is of 967 days.
3. Having gone through the averments made in the application for condonation of delay, we find that the same has not been satisfactorily explained. The explanation offered in the application for condonation of delay is, in fact, no explanation to condone such a huge delay.
4. The recent decision of the Supreme Court in [Office of The Chief Post Master General and Others Vs. Living Media India Ltd. and Another](#), is directly on the point. In this case, there was a delay of 427 days in filing the appeal before the Supreme Court against the judgment of the High Court and the certified copy of the High Court judgment was applied after four months with no explanation why it was not applied for within a reasonable time. The Supreme Court, after examining other dates mentioned in the affidavit of the person-in-charge of the case to justify the delay found that there was delay at every stage with no explanation for the cause of delay. The Supreme Court also took serious note of the casual manner in which the Government departments are functioning showing virtually no respect to the law of

limitation. And, while dismissing the appeal on the ground of delay, the Supreme Court has made the following observation:

The claim on account of impersonal machinery and inherited bureaucratic methodology of making several notes cannot be accepted in view of the modern technologies being used and available. The law of limitation undoubtedly binds everybody including the Government.

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 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.

5. The aforesaid view has again been affirmed by the Supreme Court in case of [State of U.P. Thr. Exe. Engineer and Another Vs. Amar Nath Yadav, .](#)

6. Consequently, IA No. 6342/2008 is rejected.

7. As a result, the writ appeal is also dismissed.