
- Versus-

- Respondents.

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**CORAM : HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE RAJESH SHANKAR**

For the Appellants : Mr. Ashok Kumar Yadav, Sr. S.C.-I

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Date: 29.01.2026

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the expiry of the limitation period for filing this appeal, no appeal was filed. The I.A., time and again, asserts that there was no wilful omission on the part of the appellants, and the delay was caused "*due to the procedural formalities*". Paragraph 5 of the I.A. acknowledges that the counsel for the appellants "*immediately informed the appellant-department*" about the learned Single Judge's order dated 8th February, 2023. There is also an acknowledgement that this order was received in the department's office on 31st March, 2023.

4. The I.A. then says that the file was placed before the Senior Superintendent of Police but without disclosing when the same was placed. There is a statement that on 3rd April, 2023, the Senior Superintendent of Police "*immediately directed for necessary action in terms of the direction given by the Hon'ble Court*". This means that the Senior Superintendent of Police did not consider it necessary to appeal the learned Single Judge's order but opined that it should be obeyed.
5. After that, an opinion was sought from the learned Advocate General only on 6th June, 2023, and the opinion was obtained on 25th August, 2023. At a minimum, the appeal should have been filed immediately thereafter. Still, there are statements that the file allegedly moved from table to table and that the appeal was filed after an inordinate delay of 486 days.
6. The delay, apart from being inordinate, is not explained. The so-called explanation offered does not constitute any sufficient cause. Routine bureaucratic procedures are cited simply to create

a facade of sufficient cause. There is a bold statement that *"necessary steps have been taken for filing the appeal vigorously from the very date of receiving the information of pronouncement of the impugned judgment dated 8th February, 2023"*. This statement is completely belied by the other statements in the I.A.

7. The affidavit that accompanies the I.A. is also grossly defective. Paragraph 3, which is the verification clause, is completely blank in a context of paragraphs that are said to be true to the affiant's knowledge or true to his information derived from the records. There is utmost casualness in filing this application for condonation of delay and expecting the Court to condone the inordinate delay.
8. This is also a case where the appellants have attempted to draw mileage from their own delay. A police constable, who was dismissed for absence of 22 days, was ordered to be reinstated by the judgment and order dated 8th February, 2023. This was after noting that the said constable was receiving treatment during this period, and in fact, it is the appellants who had themselves referred the constable for such treatment. Still, for over one and a half years, neither was any appeal filed, nor was the learned Single Judge's order complied with on the pretext that an appeal was under contemplation. To condone the inordinate delay in such circumstances would be harsh and inequitable to the respondent-constable. As it is, the learned Single Judge's order has not directed payment of any back wages to the respondent-constable.

9. In the case of ***Postmaster General and Others Vs. Living Media India Limited and Another, (2012) 3 SCC 563***, the Hon'ble Supreme Court has held that the Government cannot, on account of impersonal machinery and inherited bureaucratic methodology of making several notings, attempt to explain inordinate delay. The Hon'ble Supreme Court noted that, in view of modern technologies, such a process must be expedited, as the law of limitation undoubtedly binds everyone, including the Government.
10. The Hon'ble Supreme Court observed that it was 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 a bona fide effort, there is no need to accept the usual explanation that a file was kept pending for several months/years due to considerable degree of procedural red tape in the process. Government departments are under a special obligation to perform their duties diligently and with commitment. Condonation of delay is an exception and should not be used as an anticipated benefit for the government departments. The law shelters everyone under the same light and should not be swirled for the benefit of a few.
11. The explanation in the present case is not materially different from the explanation offered before the Hon'ble Supreme Court in ***Postmaster General (supra)***. In the case before the Hon'ble Supreme Court, the delay was of 427 days, which was regarded as enormous and inordinate. The Hon'ble Supreme Court

considered its previous decisions, which observed that a certain degree of latitude must be afforded to the Government due to its impersonal bureaucratic structure and red tape. However, after distinguishing those decisions, the Hon'ble Supreme Court observed that there is a limit to extending a liberal construction when it comes to the Government and Government agencies.

12. The Hon'ble Supreme Court referred to its earlier decisions in ***Commissioner of Wealth Tax, Bombay Vs. Amateur Riders Club, Bombay, 1994 Supp (2) SCC 603*** and ***Pundlik Jalam Patil (Dead) By Lrs. Vs. Executive Engineer, Jalgaon Medium Project & Anr., (2008) 17 SCC 448*** and held that despite showing all latitude to the Government, the explanation offered for the delay merely serves to aggravate the attitude of indifference of the revenue in protecting its common interest. The Court also held that the evidence on record suggests a long-term neglect of its own right to prefer appeals. The Court held that it does not inquire into belated or stale claims on equitable grounds. Delay defeats equity. The Court helps those who are vigilant and do not slumber over their rights.
13. The Court also reiterated that the object of fixing a time limit for litigation is based on public policy, the fixing of a life span for legal remedy, and the general welfare. They are meant to see that parties do not resort to dilatory tactics but avail themselves of their legal remedies promptly. The Court noted that public interest is undoubtedly a paramount consideration in exercising

discretion. However, pursuing stale claims and multiplicity of proceedings in no manner serves public interest.

14. In ***Union of India v. Jahangir Jeejebhoy 2024, SCC Online Sc 489***, the Hon'ble Supreme Court has referred to a plethora of cases holding that delay should not be excused as a matter of generosity. Substantial justice must not prejudice the opposite party. The rules of limitation are based on the principles of sound public policy and equity. The 'sword of Damocles' must not be kept hanging over the respondent's head for an indefinite period to be determined at the whims and fancies of the appellants.
15. Therefore, considering the facts of the present case and the law on the subject, we see no good ground to condone the inordinate delay of 486 days in instituting the appeal. Since no sufficient cause is shown, we dismiss the I.A. No.7376 of 2025.
16. As a consequence, the accompanying appeal also stands dismissed. No costs.

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

(Rajesh Shankar, J.)

29th January, 2026
Sanjay/Rohit
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