



**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

D.B. Special Appeal Writ No. 980/2025

1. State Of Rajasthan, Through The Secretary, Department Of Rural Development And Panchayati Raj, Jaipur, Rajasthan.
2. Development Officer, Panchayat Samiti Sheo, District Barmer, Rajasthan.
3. Chief Executive Officer, Jila Parishad, Barmer.

----Appellants

Versus

Megha Ram S/o Shri Hukma Ram, Aged About 36 Years, R/o Mataji Ki Bhakhari, Village Raladi, Sheo, District Barmer, Rajasthan.

----Respondent

For Appellant(s)	:	Mr. Pawan Bharti for Mr. I.R. Choudhary, AAG Mr. Praveen Khandelwal, AAG
For Respondent(s)	:	-

**HON'BLE MR. JUSTICE ARUN MONGA
HON'BLE MR. JUSTICE MAHENDAR KUMAR GOYAL**

Order(Oral)

04/05/2026

Per: Arun Monga, J.

1. Applicant/State seek condonation of delay of 242 days in filing the accompanied appeal. For the reasons stated hereinafter, this is not a fit case where discretion to condone the delay ought to be exercised.
2. The appeal is directed against the judgment/order dated 07.08.2024in S.B. Civil Writ Petition No.10811/2024passed by learned Single Judge vide which the writ petition filed by the

respondent herein was allowed and termination order dated 27.06.2024 was quashed and set aside.

3. The explanation for seeking condonation is totally mechanical and there seems to be no application of mind. No specific details or day to day explanation have been given as to why the matter remained pending.

4. For ready reference paras No.3 and 4 of the application are as below:

“3. That the appellants state has filed a delayed Special Appeal against the order dated 07.08.2024 for quashing the said order and the same is based on strong and good grounds and there is every possibility of its success.

4. That after decision of the writ petition, certified copy of judgment dated 07.08.2024 was applied and sent the same to the appellant department. Thereafter, the legal opinion was sought from the government counsel in regard to challenge the judgment dated 07.08.2024 before the Hon'ble Division Bench and pursuant to that, a decision was taken to file Special Appeal challenging the order dated 07.08.2024 and accordingly, the appellant, in order to take a legal recourse, has appointed Officer-In-charge to file Special Appeal and accordingly, Thereafter, the above Special Appeal is being prepared and filed for assailing the order dated 07.08.2024.”

5. Learned counsel for the State argues that the delay in filing the Special Appeal against the order dated 07.08.2024 is neither deliberate nor intentional, but occurred due to procedural requirements and administrative formalities. It is contended that after the decision in the writ petition, a certified copy of the judgment was applied for and, upon receipt, was forwarded to the appellant department for necessary action. Thereafter, legal opinion was sought from the Government Counsel regarding the feasibility of challenging the said judgment before the Hon'ble Division Bench. Upon receipt of such opinion and due consideration, a decision was taken to prefer a Special Appeal, following which the Officer-in-Charge was duly appointed to

initiate the proceedings. It is thus submitted that the time consumed in obtaining the certified copy, seeking legal opinion, and completing departmental formalities led to the delay.

6. No doubt in deserving case, Courts are liberal to grant indulgence but instant is not a case of such kind.

7. It is a settled position in law that delay confers crystallized rights in favour of a litigant by virtue of law of limitation. Delay and laches since result in freezing of the vested rights in a party, which seeks enforcement of the same, the said right cannot be taken away unless there is a sufficient cause shown by the party seeking condonation of delay.

8. Having gone through the contents of the application under Section 5 of the Limitation Act seeking condonation of delay, it transpires that not only a completely beaten up stand has been taken therein justifying the delay in the most mechanical and nonchalant manner, but, even otherwise, it lacks the necessary particulars.

9. Qua the law applicable on condonation of delay, reference may be had to Apex Court judgment in **Ramlal and others Vs. Rewa Coalfields Ltd.**¹ Relevant extract of the same is reproduced hereinbelow:-

"7. In construing Section 5 it is relevant to bear in mind two important considerations. The first consideration is that the expiration of the period of limitation prescribed for making an appeal gives rise to a right in favour of decree holder to treat the decree as binding between the parties. In other words, when the period of limitation prescribed has expired the decree holder has obtained a benefit under the law of limitation to treat the decree as beyond challenge 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 for excusing delay is shown discretion is given to the Court to condone

1. 1962 AIR (SC) 361

delay and admit the appeal. This discretion has been deliberately conferred on the Court in order that judicial power and discretion in trial behalf should be exercised to advance substantial justice."

10. Reference may also be had to another Apex Court judgment in **Ajit Singh Thakur Singh v. State of Gujarat**,² wherein it is observed thus:-

".....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 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 limitations has been allowed to expire without the appeal being filed must be traced to a cause arising within the period of limitation. In the present case, there was no such cause, and the High Court erred in condoning the delay."

11. In **Government of Maharashtra (Water Resource Department) Vs. Borse Brothers Engineers and Contractors Private Limited**³. Hon'ble the Supreme Court once again held as under:-

"59. Likewise, merely because the Government is involved, a different yardstick for condonation of delay cannot be laid down. This was felicitously stated in Postmaster General v. Living Media (India) Ltd.⁷⁰ "Postmaster General", as follows: (SCC pp. 573-74. paras 27-29).

27. It is not in dispute that the person(s) concerned were well aware or conversant with the issues involved including the prescribed period of limitation for taking up the matter by way of filing a special leave petition in this Court. They cannot claim that they have a separate period of limitation when the Department was possessed with competent persons familiar with court proceedings. In the absence of plausible and acceptable explanation, we are posing a question why the delay is to be condoned mechanically merely because the Government or a wing of the Government is a party before us.

28. Though we are conscious of the fact that in a matter of condonation of delay when there was no gross negligence or deliberate inaction or lack of bona fides, a liberal concession has to be adopted to advance substantial justice, we are of the view that in the facts and circumstances. the Department cannot take advantage of various earlier decisions. The claim on account of impersonal machinery and inherited bureaucratic methodology of making several notes cannot be accepted in view of the modern

2. AIR 1981 SC 733

3. 2021 SCC OnLine SC 233

technologies being used and available. The law of limitation undoubtedly binds everybody, including the Government.

29. 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 the government departments. The law shelters everyone under the same light and should not be swirled for the benefit of a few."

12. In another recent Apex Court judgment in ***Shivamma (dead) by Lrs Vs. Karnataka Housing Board & Ors.***⁴, it is observed thus:-

"XXXXX

XXXXX

XXXXX

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."

13. Delay aside, having examined the impugned judgment along with the material appended with the appeal, we are in agreement with the views expressed by the learned Single Judge. Thus even otherwise we find no ground to interfere in the exercise of our appellate jurisdiction. For ready reference, the relevant para Nos.9 to 12 of judgment impugned are reproduced herein below:-

"9. The appointment of the petitioner was made on the post of Village Development Officer after following due process of law. In the category of disabled person, the certificate in accordance with the Act of 2016 was issued by the competent authority of the Medical Department and the same has not been declared invalid so far. On a direction being given to the petitioner to appear before the Medical Board, the petitioner was re-examined by the Medical Board and the disability of the petitioner was assessed as 17%. The Medical Board proceedings were not supplied to the petitioner. Thereafter, the matter was discussed by the District Establishment Committee in its meeting held on 25.06.2024 and a decision has been taken that the petitioner's appointment is de hors the rules, as such, his services may be terminated.

10. Admittedly, before taking recourse of passing the termination order dated 27.06.2024, no opportunity of hearing was granted to the petitioner. The Medical Board proceedings for medical examination conducted on 20.02.2024 has also not been supplied to the petitioner. The action of the respondents is in violation of the principles of natural justice, therefore, the order dated 27.06.2024 is not sustainable in the eye of law.

11. In view of the discussion made above, the writ petition merits acceptance and the same is allowed. The termination order dated 27.06.2024 is quashed and set aside. The respondents are directed to reinstate the petitioner forthwith with all consequential benefits.

12. However, the respondents will be at liberty to take appropriate decision in the case of the petitioner and pass appropriate order, after following due process of law."

14. Upon a perusal of the impugned judgment, it is evident that, al that the learned Single Judge has directed is that the

appropriate further action, in the matter of the writ petitioner, shall be in accordance with due process of law.

15. Direction includes furnishing the petitioner with a copy of the decision rendered in the Medical Board proceedings conducted on 20.02.2024. As noted in paragraph 10 of the impugned judgment, although the petitioner had duly participated in the said proceedings, the outcome was never communicated to him.

16. In light of the above, we are not inclined to interfere in the matter, both on the ground of delay and on merits, the appeal is found to be bereft of any substance.

17. Accordingly, both the application for condonation of delay and the main appeal stand dismissed.

18. Any pending application also stands disposed of.

(MAHENDAR KUMAR GOYAL),J

(ARUN MONGA),J