

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

D.B. Spl. Appl. Writ No. 1133/2024

1. State Of Rajasthan, Through The Principal Secretary, Department Of Panchayati Raj, Government Of Rajasthan, Jaipur, Rajasthan.
2. State Of Rajasthan, Through The Secretary, Department Of Panchayati Raj Department, Government Of Rajasthan, Jaipur, Rajasthan.
3. The Director, Department Of Panchayati Raj Department, Government Of Rajasthan, Jaipur, Rajasthan.
4. Chief Executive Officer, Zila Parishad Pali, District Pali, Rajasthan.
5. Chief Executive Officer, Zila Parishad Ajmer, District Ajmer, Rajasthan.
6. Chief Executive Officer, Zila Parishad Alwar, District Alwar, Rajasthan.
7. Chief Executive Officer, Zila Parishad Banswara, District Banswara, Rajasthan.
8. Chief Executive Officer, Zila Parishad Barmer, District Barmer, Rajasthan.
9. Chief Executive Officer, Zila Parishad Bhilwara, District Bhilwara, Rajasthan.
10. Chief Executive Officer, Zila Parishad Chittorgarh, District Chittorgarh, Rajasthan.
11. Chief Executive Officer, Zila Parishad Jaipur, Rajasthan.
12. Chief Executive Officer, Zila Parishad Jodhpur, Rajasthan.
13. Chief Executive Officer, Zila Parishad Nagaur, Rajasthan.
14. Chief Executive Officer, Zila Parishad Udaipur, Rajasthan.
15. Chief Executive Officer, Zila Parishad Bharatpur Rajasthan.
16. Chief Executive Officer, Zila Parishad Jalore, Rajasthan.
17. Chief Executive Officer, Zila Parishad Jhalawar, Rajasthan.
18. Chief Executive Officer, Zila Parishad Rajsamand, Rajasthan.
19. Chief Executive Officer, Zila Parishad Sikar, Rajasthan.
20. Chief Executive Officer, Zila Parishad Tonk, Rajasthan.
21. Chief Executive Officer, Zila Parishad Hanumangarh, Rajasthan.

-----Appellants

Versus

Farid Ahmed Gori S/o Shri Rashid Ahmed Gori, Resident Of -
Delhi Darwaja, Sojat City, District Pali.

-----Respondent

Connected With

D.B. Spl. Appl. Writ No. 509/2025

1. State Of Rajasthan, Through The Secretary, Rural Development And Panchayati Raj Department, Secretariat, Jaipur, Rajasthan.
2. The Additional Chief Secretary, Rural Development And Panchayati Raj Department, Government Of Rajasthan, Jaipur, Rajasthan.
3. Chief Executive Officer, Zila Parishad Pali, District Pali, Rajasthan.
4. Chief Executive Officer, Zila Parishad Barmer, Rajasthan.
5. Chief Executive Officer, Zila Parishad Jalore, Rajasthan.

----Appellants

Versus

Ogar Ram S/o Shri Khima Ram, Resident Of - Village Post Bomadara, Tehsil And District Pali, Rajasthan.

----Respondent

For Appellant(s) : Mr. I.R. Choudhary, AAG with
Mr. Pawan Bharti

For Respondent(s) : -

HON'BLE THE ACTING CHIEF JUSTICE MR. SANJEEV PRAKASH SHARMA

HON'BLE MR. JUSTICE BALJINDER SINGH SANDHU

Order

24/02/2026

D.B. Spl. Appl. Writ No. 509/2025 :-

1. An application (No.01/2025) has been filed by the State Government under Section 5 of the Limitation Act for condoning the delay of 796 days in filing the present special appeal. However, upon perusal of contents of the writ petition, this Court does not find any satisfactory reason to condone the delay. The application does not come out with any reasons why the order passed by the leaned Single Judge was not challenged within prescribed time.

2. It is stated that there should be a strict standard of proof be applied in cases where the Government is involved, however, we

find recently in the case of *"Shivamma (Dead) by L.Rs. v. Karnataka Housing Board & Ors."*¹ wherein the Hon'ble Supreme Court has observed as under :-

*".....**193.** It was in this backdrop, particularly, the persistent disregard to the laws of limitation by the States and its instrumentalities that compelled this Court in Postmaster General (supra) to deviate from the earlier practice of extending unwarranted leniency governmental agencies, and to emphasise that the law of limitation binds the State no less than the ordinary litigant. The said decision is in three parts:*

(i) First, This Court held that claims of the Government and its functionaries being an impersonal machinery and inherited with bureaucratic methodology can no longer be accepted to excuse delays Under Section 5 of the Limitation Act, in view of the modern technologies being used and available. The relevant observations read as under:

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

(ii) Secondly, this Court in Postmaster General (supra) held that it was high time that the practice of condoning delay merely because the litigant is a government entity was done away with, and that delay should be condoned only where there is a reasonable and acceptable explanation for such delay and was accompanied by a bona fide effort. It further observed that the usual explanation of bureaucratic inefficiency and of procedural red tapism can no longer be accepted. The relevant observations read as under:

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.

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(iii) Lastly, as regards the earlier line of thought that if meritorious causes advanced by the State or any of its instrumentalities are dismissed on the ground of delay, the resultant hardship would ultimately fall upon the public exchequer and thereby the public at large, was emphatically rejected by this Court. It held that condonation of delay is a matter of exception and cannot be treated as an anticipated privilege accruing to governmental bodies by reason of their hierarchical structure or bureaucratic methodology. The law shelters everyone under the same light and should not be swirled for the benefit of a few. Thus, the plea of public interest cannot by any stretch be used as a carte blanche for official inaction. It observed that Government departments, far from being entitled to presumptive indulgence, are in fact under a higher obligation to discharge their functions with diligence, vigilance, and scrupulous regard to limitation. The relevant observations read as under:

29. [...] 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.

198. This Court in *University of Delhi v. Union of India*, reported in MANU/SC/1761/2019 : 2019:INSC:1389 : (2020) 13 SCC 745 held that consideration for condonation of delay Under Section 5 of the Limitation Act does not and cannot vary depending on the identity or status of the party, whether it be the Government, a public body, or a private litigant, so as to apply a different yardstick. The ultimate consideration should be to render even-handed justice to the parties, irrespective of their status. Furthermore, any explanation which betrays a casual or indifferent approach on the part of the Government or its instrumentalities, demonstrating a lack of regard for the mandate of limitation, cannot be excused or condoned merely by invoking the impersonal character of bureaucratic decision-making. The relevant observations read as under:

23. From a consideration of the view taken by this Court through the decisions cited supra the position is clear that, by and large, a liberal approach is to be taken in the matter of condonation of delay. The consideration for condonation of delay would not depend on the status of the party, namely, the Government or the public bodies so as to apply a different yardstick but the ultimate consideration should be to render even-handed justice to the parties. Even in such case the condonation of long delay should not be automatic since the accrued right or the adverse consequence to the opposite party is also to be kept in perspective. In that background while considering condonation of delay, the routine explanation would not be enough but it should be in the nature of indicating "sufficient cause" to justify the delay which will depend on the backdrop of each case and will have to be weighed carefully by the courts based on the fact situation. In *Katiji [LAO v. Katiji]*, MANU/SC/0460/1987 :1987:INSC:54 : (1987) 2 SCC 107] the entire conspectus relating to condonation of delay has been kept in focus. However, what cannot also be lost sight of is that the consideration therein was in the background of dismissal of the

application seeking condonation of delay in a case where there was delay of four days pitted against the consideration that was required to be made on merits regarding the upward revision of compensation amounting to 800%.

24. As against the same, the delay in the instant facts in filing the LPA is 916 days and as such the consideration to condone can be made only if there is reasonable explanation and the condonation cannot be merely because the Appellant is public body. The entire explanation noticed above, depicts the casual approach unmindful of the law of limitation despite being aware of the position of law. That apart when there is such a long delay and there is no proper explanation, laches would also come into play while noticing as to the manner in which a party has proceeded before filing an appeal. In addition in the instant facts not only the delay and laches in filing the appeal is contended on behalf of the Respondents seeking dismissal of the instant appeal but it is also contended that there was delay and laches in filing the writ petition itself at the first instance from which the present appeal had arisen. In that view, it would be necessary for us to advert to those aspects of the matter and notice the nature of consideration made in the writ petition as well as the LPA to arrive at a conclusion as to whether the High Court was justified.

210. *What may be discerned from the aforesaid is that the jurisprudence on condonation of delay Under Section 5 of the Limitation Act, particularly where the State or any of its instrumentality is involved, has witnessed a significant shift. From a regime that once accorded preferential indulgence to the State, premised on its bureaucratic complexities and institutional inertia, the law has now evolved to insist upon parity between the government and private litigants. The rationale is that public interest is better served not by excusing governmental inefficiency, but by fostering accountability, diligence, and responsibility in the conduct of public litigation....."*

3. This Court examined the application and found that the application does not deserve to be allowed and the delay of 796 days in filing the present appeal cannot be condoned. Therefore, this Court dismiss the application for condonation of delay.

4. Having heard learned counsel for the parties and perused the order impugned, we do not find any case for interference in this appeal. Hence, the same is dismissed on merits as well as on the ground of delay.

D.B. Spl. Appl. Writ No. 1133/2024 :-

The present special appeal is also dismissed on merits as the judgment relied upon by the learned Single Judge in the case of



“Ogar Ram Vs. State of Rajasthan & Ors.; D.B. Civil Writ Petition No.11866/2017.” has been upheld by this Court in D.B. Special Appeal Writ No.509/2025.

(BALJINDER SINGH SANDHU),J (SANJEEV PRAKASH SHARMA),ACJ

14-15-Arjun/-