

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal(C)..CC...5335/2003

(From the judgment and order dated 29/07/1999 in RFA 347/80  
of The HIGH COURT OF DELHI AT N. DELHI)

UNION OF INDIA

Petitioner (s)

VERSUS

M.L. GUPTA & ORS.

Respondent (s)

With I.A.1(C/delay in filing SLP and C/delay in refileing SLP and office report)

Date : 10/07/2003 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. AGRAWAL  
HON'BLE MR. JUSTICE D.M. DHARMADHIKARI

For Petitioner (s)Mr. Kailash Vasdev, Sr. Adv.  
Mrs. Rekha Pandey, Adv.,  
Mr. D.S. Mahra, Adv.

For Respondent (s)

UPON hearing counsel the Court made the following

O R D E R

Heard learned senior counsel appearing on behalf of the Union of India. There is a delay of 1290 days in filing of this Special leave petition. At the outset, learned senior counsel made a prayer for adjournment to enable the Union of India to file a better affidavit in the condonation matter. We find that all the details have been enumerated in the application for condonation of delay. The only question is whether sufficient cause has been shown for condonation of delay or

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not. In view of this, we reject prayer for filing further affidavit. From the application for condonation of delay it appears that there have been laches not only on the part of the State Officials but also on the part of the State Counsel causing inordinate delay in taking steps for filing Special Leave Petition. This is not an isolated case, but such instances are numerous. Negligence or inaction, on the part of those responsible for taking steps for filing cases in courts on behalf of the Union Government or the State Governments and their instrumentalities, has become a rule and acting diligently and promptly exception. On account of such an attitude at times courts have no option but to throw the cases on the grounds of inordinate delay and non-furnishing of reasonable explanation thereby causing enormous loss to the State Exchequer for which, we feel, in our country nobody has time to look into. That apart, it is a matter of common experience that delay is caused deliberately in mass of cases by the officials and the staff of the State and its instrumentalities who are in hands in gloves with the citizens for extraneous considerations and their personal gains to the detriment of the State Exchequer.

In this view of the matter, we are of the opinion that it is a fit case in which an inquiry should be ordered. Accordingly, we direct the Secretary, Ministry of Housing,

Supply and Works, Govt. of India, New Delhi, to hold a thorough inquiry, if necessary after taking evidence and submit a report to this Court on the following points within a period of four months from the date of receipt of this order:

- 1.To identify the officers/Staff/State Counsel who are responsible for causing delay in filing of this Special Leave petition and fix up responsibility upon them.
- 2.What steps the Union of India proposes to take against the delinquent persons.

3. Remedial measures to check such recurrences in future.

Put up this matter for consideration after four months along with the report.  
Let a copy of this order along with the paper book be forwarded to the concerned Secretary for the needful.

( Meenu Sethi )  
Court Master

( Om Prakash )  
Court Master