

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

SPECIAL LEAVE PETITION (CIVIL) Diary No(s). 10425/2020

(Arising out of impugned final judgment and order dated 08-02-2018 in RFA No. 100118/2015 passed by the High Court Of Karnataka Circuit Bench At Dharwad)

THE STATE OF KARNATAKA Petitioner(s)

VERSUS

BHIMAPPA Respondent(s)

(IA No.54592/2020-CONDONATION OF DELAY IN FILING)

Date : 18-08-2020 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL
HON'BLE MR. JUSTICE AJAY RASTOGI
HON'BLE MR. JUSTICE ANIRUDDHA BOSE

For Petitioner(s) Mr. Nikhil Goel, AAG
Mr. V. N. Raghupathy, AOR

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

The special leave petition has been preferred by the State of Karnataka after a delay of 679 days in filing the petition. A perusal of the application for condonation of delay shows that while a copy of the judgment was received on 1.3.2018, the next date indicated of processing by the concerned department is 10.1.2019 i.e. after a period of almost ten months. The government seems to abrogate to itself the right to sleep over matters, possibly deliberately, and

then file such applications. We also find that the matter was received by the Law Officer on 13.6.2019 and the next relevant date for preparing the special leave petition is 14.2.2020.

We are not simply dismissing the special leave petition on grounds of limitation as we consider it appropriate to pen down a more detailed order on account of repeatedly such matters coming before this Court by the Central Government and State authorities despite a professed litigation policy, which seems to work in breach. We are clearly of the view that this is one more case where a certificate of dismissal is what is sought so that a quietus can be put to the matter in the Government department. We have already categorized such cases as "*Certificate Cases*" which are brought before this Court for the said purpose. (SLP(Civil)Diary No.44604 of 2019 in the case of *The State of Rajasthan & Anr. vs. Mool Singh*)

We also find that the factual matrix shows that the suit for recovery was filed against the respondent on account of allegations against him of not maintaining proper accounts during the period from 26.9.1996 till 31.1.2004 when he retired. This suit was brought before the Court in 2011 without holding an enquiry.

All the aforesaid aspects show a dismal picture and judicial time has been wasted of three forums in this process. It is time that authorities must be made to pay for wasting judicial time and we consider appropriate to impose a token cost of Rs.10,000/- on the petitioner-State Government for the same to give a wake-up call. The cost be deposited with the

Mediation and Conciliation Project Committee within four weeks.

It is open to the State Government to recover this cost from the concerned officers for this misadventure.

The special leave petition is dismissed in the aforesaid terms.

Pending application, if any, shall also stand disposed of.

(ASHA SUNDRIYAL)
AR-CUM-PS

(ANITA RANI AHUJA)
ASSISTANT REGISTRAR

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RECORD OF PROCEEDINGS

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