

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGSPetition(s) for Special Leave to Appeal (Civil)...../2008
CC 12795/2008(From the judgement and order dated 17/03/2005 in WP No. 1299/2004
of The HIGH COURT OF M.P AT INDORE)ENGINEER-IN-CHIEF, P.W.D. & ANR. Petitioner(s)
VERSUS
SOHAN SINGH Respondent(s)

(With appln. for c/delay in filing SLP)

Date: 22/09/2008 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE C.K. THAKKER
HON'BLE MR. JUSTICE D.K. JAINFor Petitioner(s) Mr. Pradeep Purohit, Adv.
Mr. B.S. Banthia, Adv.

For Respondent(s)

UPON hearing counsel the Court made the following
ORDER

The special leave petition is dismissed on the ground of delay. We may, however, observe that bare reading of the affidavit in reply in application for condonation of delay clearly shows that there was complete inaction and total negligence on the part of different departments of the State. Paragraphs 2 to 5 read as under:

"2. That the impugned order has been passed on 17.3.2005.

3. That the Secretary, PWD vide letter dated 27.3.2006 sought permission from the Law Department and the Law Department granted permission on 5.6.2006.

4. That the Addl. Secretary, Department of Law and Legislative Affairs vide letter dated 12.4.2007 enquired from the counsel for

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the State as to whether any SLP in the above matter has been filed or not. The counsel informed that no Special Leave Petition has been filed till this date.

4. That after getting this letter the department has been informed and the Executive Engineer, PWD has been appointed as Officer-in-Charge and granted permission to take the necessary steps for filing the Special Leave Petition. The Under Secretary vide letter dated 29/8/2007 directed the Chief Engineer to take the steps for filing of the Special Leave Petition.

5. Thereafter the Officer-in-Charge contacted the counsel on 30.6.2008 and thereafter some time has been taken for preparing the special leave petition."

From the above facts, it is clear that though the judgment and order was pronounced by the High Court on March 17, 2005, immediate actions were not taken and there was intra-department communication at the intervals of about one year at each level. In our opinion, it would be appropriate if the Chief Secretary of the State looks into the affairs and takes appropriate steps so as to co-ordinate working of all departments.

We may also mention that during our sittings, several matters have come up before us wherein there was gross delay. In some of the matters we issued notice taking into consideration and keeping in view the principle that justice should not suffer.

On the facts and in the circumstances of the case, even otherwise the case in hand is of individual nature. We are, therefore, not inclined to entertain the SLP under Article 136 of the Constitution of India. Hence, dismissed.

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Let the copy of this order be sent to Chief Secretary, State of Madhya Pradesh.

[Usha Bhardwaj] [Vinod Kulvi]
Court Master Court Master