

State Of U.P. Thr. Exe. Engineer & Anr vs Amar Nath Yadav on 10 January, 2014

Equivalent citations: 2014 AIR SCW 1074, 2014 (2) SCC 422, 2014 (2) ALJ 540, 2014 (2) AJR 453, AIR 2014 SC (SUPP) 1917, (2014) 140 FACLR 730, (2014) 3 ANDHLD 152, (2014) 1 SCT 658, (2014) 5 SERVLR 2, (2014) 1 RECCRIR 716, (2014) 1 CIVILCOURTC 690, (2014) 2 ALLMR 942 (SC), (2014) 3 KCCR 163, (2014) 3 MPLJ 476, (2014) 2 CURCC 39, (2014) 1 SCALE 304, (2014) 2 ICC 733, (2014) 1 RECCIVR 861, AIR 2014 SC (CIVIL) 734

Author: A.K. Sikri

Bench: A.K. Sikri, K.S. Radhakrishnan

NON-REPORTABLE

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
SPECIAL LEAVE PETITION (CIVIL) NO. _882_/ 2014
(Arising out of CC No. 20855 of 2013)

State of U.P. Thr. Exe. Engineer & Anr.
Petitioner(s)

Versus

Amar Nath Yadav
.... Respondent(s)

J U D G M E N T

A.K. SIKRI, J.

1. There is a delay of 481 days in filing this Special Leave Petition and by means of present application petitioner seeks condonation thereof.
2. In the application the petitioner has attributed the delay to the moving of file from one Department/ Officer to the other. We hardly find this to be a sufficient explanation for condoning such an abnormal delay. This Court in the case of Postmaster General and Ors. vs. Living Media India Ltd.; (2012) 3 SCC 563 has deprecated such practices on the part of the Government Authorities/ Departments in the following words:-

“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.

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, 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.

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 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.

Considering the fact that there was no proper explanation offered by the Department for the delay except mentioning of various dates, according to us, the Department has miserably failed to give any acceptable and cogent reasons sufficient to condone such a huge delay. Accordingly, the appeals are liable to be dismissed on the ground of delay.

3. We further find that in identical circumstances in similar type of case which also arose against the award of the Labour Court, upheld by the High Court this court had refused to condone the delay and dismissed the Special Leave Petition on that ground. That was CC No. 5368/2013 titled State of U.P. & Ors. vs. Hanuman which was dismissed on 11.3.2013. We had summoned the file of that case and find both the cases are almost similar. Therefore, there is no reason to take a different view. We thus, dismiss this SLP on the ground of delay.

.....J. [K.S. RADHAKRISHNAN]J. [A.K. SIKRI]
New Delhi January 10, 2014