

# Ut Of J&K And Ors vs Krishan Lal And Ors on 18 November, 2022

**Bench: Tashi Rabstan, Puneet Gupta**

Sr. No. 47

HIGH COURT OF JAMMU & KASHMIR AND LADAKH  
AT JAMMU

LPA No. 93/2020  
CM No. 5051/2020  
CM No. 5052/2020

UT of J&K and ors.

....Petitioner(s)/Appellant(s)

Through :- Mrs. Monika Kohli, Sr. AAG.

V/s

Krishan Lal and ors.

....Respondent(s)

Through :- Mr. J.P Gandhi, Advocate  
Mr. Saleeka Sheikh, Advocate  
Mr. Divyanshu Malhotra, Advocate

Coram: HON'BLE MR. JUSTICE TASHI RABSTAN, JUDGE  
HON'BLE MR. JUSTICE PUNEET GUPTA, JUDGE

ORDER

18.11.2022

1. Ms. Monika Kohli, learned Sr. AAG vehemently argued the application, however, perusal of the application and the better affidavit filed by her clearly shows that Mr. Raman Sharma, learned AAG was requested on 29.03.2019 by the Law Department for filing and conducting the LPA against the judgment dated 20.03.2017 along with an application for Condonation of delay. As per the record of the Court, the application along with the LPA has been filed before this Court on 30.09.2020 which shows that the respondents even otherwise, despite according sanction for filing LPA has taken more than a year for filing the same, which clearly shows the non-seriousness of the applicants for filing such type of cases.

2. Hon'ble the Supreme Court while dismissing SLP (Civil) Diary No(s).19846/2020 titled as Union of India Vs. Central Tibetan Schools Admin & Ors., on 04.02.2021 on account of delay observed as under:-

"We have repeatedly being counselling through our orders various Government departments, State Governments and other public authorities that they must learn to file appeals in time and set their house in order so far as the legal department is concerned, more so as technology assists them. This appears to be falling on deaf ears despite costs having been imposed in number of matters with the direction to recover it from the officers responsible for the delay as we are of the view that these officers must be made accountable. It has not had any salutary effect and that the present matter should have been brought up, really takes the cake! The aforesaid itself shows the casual manner in which the petitioner has approached this Court without any cogent or plausible ground for condonation of delay. In fact, other than the lethargy and incompetence of the petitioner, there is nothing which has been put on record. We have repeatedly discouraged State Governments and public authorities in adopting an approach that they can walk in to the Supreme Court as and when they please ignoring the period of limitation prescribed by the Statutes, as if the Limitation statute does not apply to them. In this behalf, suffice to refer to our judgment in the State of Madhya Pradesh &Ors. v. Bheru Lal [SLP [C] Diary No.9217/2020 decided on 15.10.2020] and The State of Odisha & Ors. v. Sunanda Mahakuda [SLP [C] Diary No. 22605/2020 decided on 11.01.2021].....".

3. In view of the pleadings of the application and the law laid down by the Hon'ble the Supreme Court, the application for condonation of delay is, accordingly, dismissed. As a result thereof, the accompanied appeal is also rejected.

(Puneet Gupta) )  
Judge

(Tashi Rabstan)  
Judge

Jammu :  
18.11.2022  
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