
- Versus-

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Date: 18.06.2025

1. Counsel for the appellants seeks to withdraw I.A. No.3951 of 2025 with liberty to pursue I.A. No.6083 of 2025.
2. Accordingly, I.A. No.6081 of 2025 is allowed for the said prayer.

I.A. No.6083 of 2025:

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3rd January, 2024, he placed it before the Under Secretary; on 5th January, 2024, the Under Secretary desired grounds of appeal to be prepared in the matter; the file was then sent to the retainer for preparation of grounds of appeal on 8th January, 2024; and on 20th January, 2024 grounds of appeal were drafted and submitted to the Under Secretary.

6. It is next stated that on 24th January, 2024, grounds of appeal were put up before the Deputy Director for approval and for appointment of Advocate in the matter and he sent it to the Under Secretary for appointment of Advocate. The Under Secretary then sent the file on 5th February, 2024 to the Director, who then forwarded it to the Principal Secretary of the applicant-Department. Thereafter on 8th February, 2024, the file was sent to the office of the Advocate General for opinion and he gave an opinion on 9th February, 2024 to file the appeal and ultimately the appeal was drafted on 14th May, 2024 and was filed on 30th July, 2024.
7. Admittedly, the judgment of the learned Single Judge was pronounced on 21st August, 2023 in W.P.(S) No.3011 of 2020 but application for certified copy of the same was admittedly made on 26th July, 2024, almost a year later. There is no explanation offered for this delay in applying for certified copy of the judgment of the learned Single Judge. It appears that the applicants though aware that the period of limitation for filing the appeal is only 30 days, have leisurely proceeded in the matter.

8. We are, therefore, satisfied that sufficient cause has not been shown by the applicants for condonation of the inordinate long delay of 397 days in filing the appeal.
9. In ***Postmaster General and others v. Living Media India Limited and another***, reported in ***(2012) 3 SCC 563***, the Supreme Court held:

"25. We have already extracted the reasons as mentioned in the "better affidavit" sworn by Mr Aparajeet Pattanayak, SSRM, Air Mail Sorting Division, New Delhi. It is relevant to note that in the said affidavit, the Department has itself mentioned and is aware of the date of the judgment of the Division Bench of the High Court in Office of the Chief Postmaster v. Living Media India Ltd. as 11-9-2009. Even according to the deponent, their counsel had applied for the certified copy of the said judgment only on 8-1-2010 and the same was received by the Department on the very same day. There is no explanation for not applying for the certified copy of the impugned judgment on 11-9-2009 or at least within a reasonable time. The fact remains that the certified copy was applied for only on 8- 1-2010 i.e. after a period of nearly four months.

26. In spite of affording another opportunity to file better affidavit by placing adequate material, neither the Department nor the person-in-charge has filed any explanation for not applying the certified copy within the prescribed period. The other dates mentioned in the affidavit which we have already extracted, clearly show that there was delay at every stage and except mentioning the dates of receipt of the file and the decision taken, there is no explanation as to why such delay had occasioned. Though it was stated by the Department that the delay was due to unavoidable circumstances and genuine difficulties, the fact remains that from day one the Department or the person/persons concerned have not evinced diligence in prosecuting the matter to this Court by taking appropriate steps.

27. 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.

28. 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, the 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."

(Emphasis supplied)

10. In view of the above settled legal position, the application for condonation of delay is dismissed.
11. Consequently, this appeal is also dismissed.

(M.S. Ramachandra Rao, C.J.)

(Rajesh Shankar, J.)

Sanjay/Rohit