

IN THE HIGH COURT OF JHARKHAND AT RANCHI

I.A. No. 3636 of 2026

In / And

L.P.A. No. 254 of 2026

Employers in relation to the Management of Bagdigi Colliery Area No. X of M/s Bharat Coking Coal Limited through Shri Anil Kumar Sinha, aged 59 years, General Manager, Lodna Area No. X of B.C.C.L, resident of Q.No. D/6, Sector X, Koyla Nagar, P.O-BCCL Township, P.S - Saraidhela, District- Dhanbad.

... Petitioner/Appellant

Versus

Their workman represented through its Executive Member, Bihar Colliery Kamgar Union, Block-E, Sector-II, Qr. No. 483, P.O- Bhuli, P.S- Bhuli (Bank More), District – Dhanbad.

... Respondent/Respondent

**CORAM: HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE RAJESH SHANKAR**

For the Appellant: Mr Anoop Kumar Mehta, Advocate
Mr Manish Kumar, Advocate

02/Dated: 07.07.2026

1. Heard Mr Anoop Kumar Mehta, who appears with Mr Manish Kumar for the applicant.
2. This IA seeks condonation of 433 days in preferring the accompanying appeal.
3. The so-called reasons for the delay have been set out in paragraphs 3 to 9. On perusal of the reasons, we find that the same merely refer to movement of files from one table to another and from one official to another.

4. There is reference to some time being taken to prepare the appeal memo. In paragraph 9, it is admitted that, “*the delay has occurred due to administrative and procedural reasons inherent in institutional decision-making and not due to any willful negligence, deliberate inaction or lack of bona fides on the part of the Appellant.*”
5. Time and again, the Hon’ble Supreme Court has held that delay cannot be condoned based upon such reasons simply because the applicant is the Government or an agency or instrumentality of the Government.
6. In ***Postmaster General and Others Vs. In Living Media India Limited and Another***, reported in (2012)3 SCC 563, the Hon’ble Supreme Court has held that delay cannot be condoned where the Government Department or the persons concerned have not evinced diligence in prosecuting the matter and taking appropriate steps. *The Court has held that in the absence of a plausible and acceptable explanation, the delay cannot be condoned mechanically merely because the Government or a wing of the Government seeks condonation. The claim of impersonal machinery and inherited bureaucratic methodology of making several noting cannot be invariably accepted in view of modern technologies being used and available.* It was reiterated that the

law of limitation undoubtedly binds everybody, including the Government.

7. In *Union of India &Anr. Vs. Jahangir Byramji Jeejeebhoy (D), through his LR, reported in 2024 SCC Online SC 489*, the Hon'ble Supreme Court held that even the length of the delay is a relevant factor that the Court must consider when dealing with applications for condonation of delay. *The Court noted that, from the tenor or approach of the appellants, it appeared that they sought to fix their own period of limitation for instituting proceedings for which the law has prescribed a period of limitation. Once it is held that a party has lost its right to have the matter considered on the merits because of its own inaction for a long time, it cannot be presumed that the delay was not deliberate, and in such circumstances the party cannot be heard to plead that substantial justice deserves to be preferred against technical considerations.*
8. The Hon'ble Court also held that, when considering a plea for condonation of delay, the court must not start with the merits of the main matter. The court owes a duty to first ascertain the bona fides of the explanation offered by the parties seeking condonation. *It is only if the cause assigned by the litigant is sufficient and the opposition of the other side is equally balanced that the court may bring the merits of the matter into aid for the purpose of condoning*

the delay. Further, the question of limitation is not merely a technical consideration. The rules of limitation are based on the principles of sound public policy and equity.

9. The Hon'ble Court held that the 'Sword of Damocles' cannot be kept hanging over the head of the respondent for an indefinite period to be determined at the whims and fancies of the appellants. *The Court noted that in a plethora of decisions, it has been said that the delay should not be excused as a matter of generosity. Rendering substantial justice is not to cause prejudice to the opposite party. Where the appellants failed to demonstrate that they were reasonably diligent in prosecuting the matter, the delay cannot be condoned. If it is found that the delay in filing the appeal has arisen due to the party's own negligence and casual attitude, the delay cannot be condoned on the grounds of doing substantial justice.*

10. In ***Shivamma (Dead) by Lrs. Vs. Karnataka Housing Board & Ors., reported in 2025 SCC OnLine SC 1969***, the Hon'ble Supreme Court conveyed an emphatic message to all the High Courts that delay should not be condoned on frivolous and superficial grounds, until a proper case of sufficient cause is made out, wherein the State-machinery is able to establish that it acted with bona fides and remained vigilant all throughout. *Procedure is a handmaid to justice, as is famously said, but courts, and more*

particularly the constitutional courts, ought not to obviate the procedure for a litigating State agency, which also equally suffers the bars of limitation from pursuing litigations due to its own lackadaisical attitude.

- 11.** The Hon'ble Supreme Court held that the High Courts ought not give a legitimising effect to such a callous attitude of the State authorities or their instrumentalities and should remain extra cautious if the party seeking condonation of delay is a State authority. They should not become surrogates for State laxity and lethargy. *The constitutional courts ought to be cognizant of the apathy and pangs of a private litigant. Litigants cannot be placed in situations of perpetual litigation, wherein the fruits of their decrees or favourable orders are frustrated at a later stage.*
- 12.** The Hon'ble Supreme Court has further observed that limitation periods are prescribed to maintain a sweeping scope for the lis to attain finality. *More than the importance of judicial time, what worries is the plight of a litigant with limited means, who is to contest against an enormous State, and its elaborate and never-exhausting paraphernalia. Such litigations deserve to be disposed of at the very threshold, because, say, if a party litigating against the State, for whatever reason, is unable to contest the condonation of delay in appeal, unlike the present case, it reopens the lis for another round of litigation, and leaves such litigant*

listless yet again. As courts of conscience, Courts are obligated to ensure that a litigant is not sent from pillar to post to seek justice. No litigant should be permitted to be so lethargic and apathetic, much less be permitted by the courts to misuse the process of law.

13. Applying the above principles to the gross facts of the present case, we are satisfied that no sufficient cause has been shown in this matter. Accordingly, we dismiss this IA.
14. Resultantly, the accompanying appeal and the IAs, if any, therein, will not survive and are disposed of.

(M. S. Sonak, C.J.)

(Rajesh Shankar, J.)

July 07, 2026

N.A.F.R.

Manoj/Sharda/Cp.2

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