

IN THE HIGH COURT OF JHARKHAND AT RANCHI
L.P.A. No. 683 of 2025
With
I.A. No. 13713 of 2025

1. The State of Jharkhand
2. The Principal Secretary, Department of Higher and Technical Education, Government of Jharkhand, Ranchi
3. The Director, Department of Higher and Technical Education, Government of Jharkhand, Ranchi
4. The Under Secretary, Department of Higher and Technical Education, Government of Jharkhand, Ranchi

... .. Appellants

Versus

1. Dr. Lal Mani Prasad, S/o Late Ram Narayan Prasad, R/o Qr. No. M-40, D.S, Harmu Housing Colony, Harmu, Ranchi
2. Dr. Medha Varta Sharma, R/o Qr. No. M-91, Argora Housing Colony, Argora, Ranchi
3. Dr. Krishna Kumar, S/o Late Gupteshwar Nath, R/o Shiv Tara Apartment, 2B, Court Compound Circular Road, Lalpur, Ranchi
4. Dr. Vijoy Kumar Sinha, S/o Late Kalika Prasad, R/o Flat No. 1002, B, Breeze Vasundhara Palm Island, Near Karamtoli Chowk, Bariatu Road, Ranchi
5. Mrs. Madhu Sinha, W/o Prof. (Late) Pranpati Kumar Sinha, R/o House No. C/120, Harmu Housing Colony, Harmu, Ranchi
6. Mrs. Sulochana Sharma, W/o Late Madan Mohan Sharma, R/o House No. C-25, Harmu Housing Colony, Harmu, Ranchi
7. The Vice-Chancellor, Ranchi University, Ranchi
8. The Registrar, Ranchi University, Ranchi

... .. Respondents

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

For the Appellants : Mr. Gaurav Raj, AC to AAG-II
For the Respondent-University : Mr. A.K. Mehta, Advocate

Reserved on: 15.06.2026 **Pronounced on: 18.06.2026**

1. The present appeal is directed against the order/judgment dated 05.08.2024 passed by the learned Single Judge in W.P.(S) No. 725 of 2023, whereby the said writ petition filed by the writ petitioners (respondent no. 1 to 6 herein) has been disposed of directing the appellant no. 2 – the Principal Secretary, Department of Higher and Technical Education,

Government of Jharkhand, Ranchi to make endeavor to get approval of the cabinet for extending the benefits under 7th PRC with effect from 01.01.2016 with statutory interest @ 6% per annum from the date it has fallen due till the date of actual payment. It has further been directed that after approval of the cabinet, appropriate fund should be released by the State to the Universities concerned for extending the said benefits as well as other consequential benefits to the writ petitioners as per their entitlement with statutory interest @ 6% per annum from the date those fell due till the date of actual payment.

2. Since the present appeal is barred by limitation, it is appropriate to first consider the application filed on behalf of the appellants seeking condonation of delay.

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3. The present interlocutory application has been filed on behalf of the appellants/applicants seeking condonation of delay of 343 days in filing the present appeal. However, the office has pointed out that there is a delay of 313 days in filing the present appeal.
4. Learned counsel for the appellants submits that since huge financial implication was involved in the present matter, it was thought appropriate to place the concerned file before the Department of Finance, Government of Jharkhand at the first instance so as to get its opinion in the matter. In that process, the file was marked by the Section Officer of the Department

of Higher and Technical Education to the Deputy Director of the said department on 19.12.2024 who, in turn, marked the same to the Director, Higher and Technical Education on 20.12.2024. The Director, Higher and Technical Education then marked the file to the Secretary, Department of Higher and Technical Education, Government of Jharkhand on the same day. Thereafter, the file was sent by the said Secretary to the Department of Finance, Government of Jharkhand on 23.12.2024.

- 5.** It is further submitted that the file was returned to the Department of Higher and Technical Education, Government of Jharkhand on 04.03.2025 with an opinion of the Finance Department that since considerable financial implication was involved in the matter, it would be appropriate to take opinion of Advocate General, Government of Jharkhand on the point of preferring L.P.A against the impugned order dated 05.08.2024.
- 6.** It is also submitted that after receiving the opinion of Finance Department, the Section Officer again marked the file to the Deputy Director on 26.03.2025 with a noting pertaining to the opinion received from the Finance Department mentioning details of the amount payable to the writ petitioners from the State exchequer. The file was thereafter, marked to the Director, Higher and Technical Education on 27.03.2025 who placed it to the Secretary on the same day.

- 7.** Learned counsel for the appellants/applicants further submits that on 28.03.2025, the file was sent for seeking opinion of the Advocate General which was returned to the concerned department on 04.04.2025 with an opinion to file LPA against the impugned order dated 05.08.2024. Thereafter on 11.04.2025, the file was marked to the legal retainer of the department for preparation of grounds of appeal, who returned the same on 30.04.2025 after preparing the grounds of appeal.
- 8.** It is also submitted that after approval of the grounds of appeal, it was sent to the learned AAG-II on 13.05.2025 for drafting L.P.A in the present matter. The appeal was then drafted by the office of learned AAG-II and after vetting of the concerned department, the instant L.P.A was filed on 14.07.2025.
- 9.** It is urged that the delay caused in filing the present appeal is neither intentional nor deliberate. It has rather occurred due to the administrative procedure involved in taking appropriate decision to file appeal.
- 10.** It is contended that the appellants will suffer irreparable loss and injury if the delay caused in filing the appeal is not condoned as they have a good case and there is every chance of succeeding in the present appeal.
- 11.** On the contrary, learned counsel for the writ petitioners/respondent nos. 1 to 6 vehemently opposes the

contention of learned counsel for the applicants by submitting that no cogent ground has been made out in the present application seeking condonation of delay. It is submitted that the plea regarding inter or intra departmental movement of files from one desk to another cannot constitute a sufficient cause for condonation of considerable delay of 313 days.

- 12.** Heard learned counsel for the parties and perused the content of the present interlocutory application.
- 13.** The averments made in the present application clearly shows that the file concerning the present case kept on moving in the concerned departments from one desk to another. The time consumed in movement of file certainly cannot be said to be sufficient cause so as to condone such a considerable delay. The applicants, rather on superficial and frivolous grounds, have sought the condonation of delay caused in filing the instant appeal.
- 14.** The applicants being the State and its officers were well aware of the limitation period for filing the appeal challenging the order of the writ court which is only 30 days, however the lethargy on their part is apparent particularly as they had initiated the process to seek opinion of the Finance Department after lapse of four months from the date of impugned judgment. The Finance department also took more than two months in providing its opinion to file appeal in the matter. Curiously enough, the requisition to get the certified copy of the impugned judgment dated 05.08.2024 was also

made as late as on 03.07.2025 i.e., after about 11 months from the date of passing of the same.

- 15.** So far as the issue of consideration of an application filed on behalf of the State seeking condonation of delay is concerned, it seems appropriate to refer the judgment of the Hon'ble Supreme Court rendered in the case of **Postmaster General and others Vs. Living Media India Limited and another** reported in **(2012) 3 SCC 563**, wherein it has been held as under:

"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. 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.”

16. In the case of **Union of India & Anr. Vs. Jahangir Byramji Jeejeebhoy (D) through his LR** reported in **2024 SCC OnLine SC 489**, the Hon’ble Supreme Court has held that the length of the delay is a relevant factor which the court must take into consideration while deciding whether the delay should be condoned or not. It has further been held that while considering the 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 fide of the explanation offered by the party seeking condonation. It is only if the sufficient cause assigned by the litigant and the opposition of the other side is equally balanced, the court may bring into aid the merits of the matter for the purpose of condoning the delay. It

has also been held that the rules of limitation are based on the principles of sound public policy and principles of equity. The 'Sword of Damocles' cannot be allowed to be hung over the head of the respondent for indefinite period to be determined at the whims and fancies of the appellants.

- 17.** In the case of **The State of Jharkhand & Others Vs. Md. Noor Hassan [SLP (C) No. 27014 of 2024]**, the Hon'ble Supreme Court has held that if the delay in approaching the appellate judicial forum is caused due to the willful negligence, lethargy or incompetence of public instrumentalities, ignorance or inaction of party, it does not fulfil the threshold of "sufficient cause" to condone the delay.
- 18.** In the case of **Shivamma (dead) by LRs Vs. Karnataka Housing Board & Others**, reported in **2025 SCC OnLine SC 1969**, the Hon'ble Supreme Court has held that administrative lethargy and laxity can never stand as sufficient ground for condonation of delay. The 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 fide and remained vigilant all throughout. Procedure is a handmaid to justice but the courts, and more particularly the constitutional courts, ought not to obviate the procedure for a litigating State agency, who also equally suffers the bars of limitation from pursuing litigations due to its own lackadaisical attitude.

- 19.** In the said case, Their Lordships have further held that the High Courts ought not give a legitimizing effect to callous attitude of the state authorities or its 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 litigations, wherein the fruits of their decrees or favourable orders are frustrated at later stages. No litigant should be permitted to be lethargic and apathetic, much less be permitted by the courts to misuse the process of law.
- 20.** Thus, it is well settled that administrative lethargy and laxity can never be a sufficient ground for condonation of delay. Delay cannot be condoned on frivolous and superficial grounds unless proper and sufficient cause is made out by the state authorities explaining that they have acted in a bonafide manner and have remained vigilant throughout. The law of limitation undoubtedly binds everyone, including the government and its instrumentalities. 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 available and used.
- 21.** The appellants/applicants have not been able to set out sufficient cause so as to condone a considerable delay of 313 days in filing the present Letters Patent Appeal which, in our

view, is otherwise inordinate and the cause shown by the appellants to condone the delay does not fulfill the threshold of sufficient cause to condone the same.

- 22.** We are also conscious of the fact that vide impugned judgment dated 05.08.2024 passed in W.P.(S) No. 725 of 2023, the writ petitioners have been held entitled to get the benefits of 7th Pay Commission with effect from 01.01.2016 along with other consequential benefits. As such, they have certainly been made to suffer on account of lethargic and casual attitude of the appellants/applicants in filing the present appeal after inordinate delay of 313 days.
- 23.** The writ petitioners/respondent no. 1 to 6 are not supposed to wait for indefinite period to obtain the fruit of the order passed by the writ court at the whims and fancies of the state authorities i.e., the appellants/applicants herein, to file an appeal as per their own convenience. If such an attitude of the state authorities is taken lightly, it will certainly cause serious prejudice to the writ petitioners and will amount to granting undeserving latitude to them in deliberately delaying filing of the appeal without setting out any cogent explanation.
- 24.** Under the aforesaid circumstance, we are of the view that the explanation offered by the appellants/applicants in the present application does not constitute sufficient cause to condone an inordinate delay of 313 days in preferring the present appeal.
- 25.** The present interlocutory application is accordingly dismissed.

- 26.** Consequently, the accompanying L.P.A. is also dismissed.
- 27.** Other pending interlocutory application(s), if any, also stands disposed of.

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

(Rajesh Shankar, J.)

June 18, 2026
Manish
N.A.F.R

Uploaded on 18.06.2026