

WA No. 100207 of 2026
C/W WA No. 100100 of 2026
WA No. 100437 of 2026
WA No. 100438 of 2026

IN THE HIGH COURT OF KARNATAKA AT DHARWAD

DATED THIS THE 16TH DAY OF OCTOBER 2026

PRESENT

THE HON'BLE MR. JUSTICE M.NAGAPRASANNA

AND

THE HON'BLE MRS JUSTICE HEMA KULKARNI

WRIT APPEAL NO. 100207 OF 2026 (S-REG)

C/W

WRIT APPEAL NO. 100100 OF 2026 (S-REG)

WRIT APPEAL NO. 100437 OF 2026 (S-RES)

WRIT APPEAL NO. 100438 OF 2026 (S-RES)

R

IN WA No. 100207/2026

BETWEEN:

THE STATE OF KARNATAKA,
BY ITS SECRETARY,
DEPARTMENT OF LAW,
JUSTICE AND HUMAN RIGHTS,
VIDHANA SOUDHA,
BENGALURU – 560 001.

...APPELLANT

(BY SRI. GANGADHAR J.M., AAG A/W
SMT. GIRIJA S. HIREMATH, HCGP)

AND:

1. THE REGISTRAR,
KARNATAKA STATE LAW UNIVERSITY,
NAVANAGAR, HUBBALLI – 580 025.
2. DR. KHALID KHAN,
AGED ABOUT 50 YEARS,
OCC: ASST. DIRECTOR OF PE,
R/O: 29, RAJATGIRI, 4TH MAIN CROSS,

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DHARWAD – 580 009.

...RESPONDENTS

(BY SRI. PAVAN B. DODDATTI, ADVOCATE FOR R1)

THIS WRIT APPEAL IS FILED U/S. 4 OF KARNATAKA HIGH COURT ACT, 1961, PRAYING TO ALLOW THE APPEAL AND SET ASIDE THE ORDER DATED 20.06.2024 PASSED IN W.P.NO.105279/2023 BY THE LEARNED SINGLE JUDGE, IN THE INTEREST OF JUSTICE AND EQUITY. TO ALLOW THE WRIT APPEAL AND SET ASIDE THE ORDER DATED 20.06.2024 PASSED IN W.P. NO.105279/2023 BY THE LEARNED SINGLE JUDGE, IN THE INTEREST OF JUSTICE AND EQUITY AND ETC.

IN WA NO. 100100/2026
BETWEEN:

THE REGISTRAR, KARNATAKA STATE LAW
UNIVERSITY, NAVANAGAR, HUBBALLI – 580 025.

...APPELLANT

(BY SRI. PAVAN B. DODDATTI, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
BY ITS SECRETARY, DEPARTMENT OF LAW,
JUSTICE AND HUMAN RIGHTS,
VIDHANA SOUDHA, BENGALURU – 560 001.
2. DR. KHALID KHAN,
AGE: 50 YEARS, OCC: ASST. DIRECTOR OF PE,
R/O: 29, RAJATGIRI, 4TH MAIN CROSS,
DHARWAD – 580 009.

...RESPONDENTS

(BY SRI. GANGADHAR J.M., AAG A/W
SMT. GIRIJA S. HIEMATH, HCGP FOR R1)

THIS WRIT APPEAL IS FILED U/S. 4 OF KARNATAKA

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HIGH COURT ACT, 1961, PRAYING TO ALLOW THE APPEAL
AND SET-ASIDE THE ORDER DATED 20.06.2024 PASSED IN
W.P.NO.105279/2023 BY THE LEARNED SINGLE JUDGE, IN
THE INTEREST OF JUSTICE AND EQUITY.

IN WA NO. 100437/2026
BETWEEN:

1. THE STATE OF KARNATAKA,
BY ITS SECRETARY,
DEPARTMENT OF LAW JUSTICE AND
HUMAN RIGHTS, VIDHANA SOUDHA,
BENGALURU – 560 001.

...APPELLANT

(BY SRI. GANGADHAR J.M., AAG A/W
SMT. GIRIJA S. HIREMATH, HCGP)

AND:

1. IRANGAGOUDA B. BIRADAR,
AGE: 41 YEARS, OCC: TEMPORARY,
FULL TIME ASST. PROFESSOR
(HISTORY) KSLU,
R/O: JAMESH HOUSE, P.B. ROAD,
DHARWAD – 580 001.
2. DR. KUMUDA N. KAROGAL,
AGE: 55 YEARS, OCC: TEMPORARY
FULL TIME ASST. PROFESSOR
(ENGLISH) KSLU,
R/O: KOPP COMPOUND,
MALMADDI, DHARWAD – 580 001.
3. SHRI. GIRISHGOUDA G. PATIL,
AGE: 37 YEARS, OCC: TEMPORARY
FULL TIME ASST. PROFESSOR
(MANAGEMENT) KSLU
R/O: NEAR KPTCL OFFICE TABIB LAND,
HUBBALLI – 580 020, DIST: DHARWAD.

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4. THE REGISTRAR,
KARNATAKA STATE LAW UNIVERSITY,
NAVANAGAR, HUBBALLI – 580 025,
DIST: DHARWAD.

...RESPONDENTS

- (BY SRI. SUNIL S. DESAI, ADVOCATE FOR R1 TO R3;
SRI. K.L. PATIL, ADVOCATE FOR R4)

THIS WRIT APPEAL IS FILED U/S. 4 OF KARNATAKA
HIGH COURT ACT, 1961, PRAYING TO SET-ASIDE THE
ORDER OF THE LEARNED SINGLE JUDGE DATED
07.06.2023 PASSED IN WRIT PETITION NO.103466/2021.
AND ETC.

IN WA NO. 100438/2026
BETWEEN:

1. THE STATE OF KARNATAKA,
BY ITS SECRETARY,
DEPT. OF LAW, JUSTICE AND
HUMAN RIGHTS, VIDHANA SOUDHA,
BENGALURU – 560 001.
2. THE STATE OF KARNATAKA,
BY ITS SECRETARY, DEPT. OF FINANCE,
VIDHANA SOUDHA,
BENGALURU – 560 001.

...APPELLANTS

- (BY SRI. GANGADHAR J.M., AAG A/W
SMT. GIRIJA S. HIREMATH, HCGP)

AND:

1. IRANAGOUDA B. BIRADAR,
AGE: 41 YEARS,
OCC: TEMPORARY FULL TIME ASST. PROFESSOR
(HISTORY) KSLU,
R/O: JAMES HOUSE, P. B. ROAD,

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DHARWAD – 580 008.

2. DR. KUMUDA N. KAROGAL,
AGE: 55 YEARS, OCC: TEMPORARY,
FULL TIME ASST. PROFESSOR,
ENGLISH KSLU, R/O: KOPP COMPOUND,
MALMADDI, DHARWAD – 580 001.
3. SHRI. GIRISHGOUDA G. PATIL,
AGE: 37 YEARS, OCC: TEMPORARY,
FULL TIME ASST. PROFESSOR
MANAGEMENT KSLU,
R/O: NEAR KPTCL OFFICE TABIB LAND,
HUBBALLI – 580 020, DIST: DHARWAD.
4. THE REGISTRAR,
KARNATAKA STATE LAW UNIVERSITY,
NAVANAGAR,
HUBBALLI – 580 025,
DIST: DHARWAD.

...RESPONDENTS

(BY SRI. SUNIL S. DESAI, ADVOCATE FOR R1 TO R3;
SRI. K.L. PATIL, ADVOCATE FOR R4)

THIS WRIT APPEAL IS FILED U/S. 4 OF KARNATAKA
HIGH COURT ACT, 1961, PRAYING TO SET-ASIDE THE
ORDER OF THE LEARNED SINGLE JUDGE DATED
05.03.2025 PASSED IN WRIT PETITION NO.100871/2025
AND ETC.

THESE WRIT APPEALS HAVING BEEN HEARD AND
RESERVED ON 13.10.2026 AND COMING ON FOR
PRONOUNCEMENT, THIS DAY, JUDGMENT WAS DELIVERED
THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE M.NAGAPRASANNA
AND
HON'BLE MRS JUSTICE HEMA KULKARNI

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CAV JUDGMENT

(PER: **HON'BLE MR. JUSTICE M.NAGAPRASANNA**)

The State has preferred the appeals in Writ Appeal No. 100207 of 2026, Writ Appeal No.100437 of 2026 and Writ Appeal No.100438 of 2026 and the University has preferred the appeal in Writ Appeal No.100100 of 2026, calling in question the respective orders rendered by the learned Single Judges. The appeals, however, come before this Court burdened with an inordinate delay of **626 days, 1099 days, 466 days and 548 days**, respectively. The enormity of the delay, and the explanations proffered in the applications seeking its condonation, bring to the fore a threshold question of considerable significance: **whether such prolonged and unexplained passage of time can be permitted to stand condoned on the mere asking, or whether the causes projected constitute sufficient cause in the eye of law to warrant exercise of judicial discretion.** It is on this preliminary yet pivotal issue, which goes to the very maintainability of the appeals, that the matters were heard at length and reserved for judgment, to determine whether the appeals deserve to be entertained by condoning the delay or

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must meet their quietus at the threshold, on account of the appellants' failure to satisfactorily explain the extraordinary lapse of time.

2. Heard Sri. Gangadhar J.M., learned Additional Advocate General appearing for the appellant in Writ Appeal Nos.100207 of 2026, 100437 of 2026 and 100438 of 2026 and for respondent No.1 in Writ Appeal No.100100 of 2026; Sri. Pavan B. Doddatti, learned counsel appearing for the appellant in Writ Appeal No.100100 of 2026 and for respondent No.1 in Writ Appeal No.100207 of 2026; Sri. Sunil S. Desai, learned counsel appearing for respondent Nos.1 to 3 in Writ Appeal Nos.100437 of 2026 and 100438 of 2026; Sri. K. L. Patil, learned counsel appearing for respondent No.4 in Writ Appeal Nos.100437 of 2026 and 100438 of 2026.

WRIT APPEAL NO.100207 OF 2026:

3. The State is in appeal challenging the order of the learned Single Judge dated 20th June, 2024 passed in Writ Petition No.105279 of 2023. The order of the learned Single Judge is as follows:

"....

14. Admitted facts of the matter are that the petitioner was appointed by the respondent No.2 University for the post of Assistant Director of Physical Education and Sports on temporary full-time basis. The said post was sanctioned post and the petitioner was appointed pursuant to the notification that was issued after he having informed eligibility.

15. Perusal of the service certificate dated 17.09.2021 produced at Annexure-R indicate that the respondent No.2-University has issued the said certificate certifying the continuation of service of the petitioner from the year 2010 till the date of issuance of the certificate. Though a defense in the statement of objection as noted above at paragraph No.9 is raised stating that the petitioner was employed at Dr. G. M. Patil Law College, Dharwad and was on deputation, the same remain unsubstantiated. Notice that was issued to the petitioner as well as to the said Dr. G. M. Patil Law College, Dharwad, by the respondent No.2-University subsequent to filing of present petition has been replied offering the clarification with regard to petitioner making an attempt of joining the said Dr. G. M. Patil Law College, Dharwad between 5.30 p.m. of 11.02.2013 and 8.00 a.m. on 12.02.2013.

16. On query by this Court, learned counsel appearing for the respondent No.2-University on instructions by the Registrar who is physically present before this Court submitted that the contents of the service certificate dated 07.09.2021 produced at Annexure-R are true and correct. He also confirms that the petitioner did attend and rendered his service on 11.02.2013 and 12.02.2013 at respondent No.2 University.

17. Further, the Registrar of respondent No.2 University who is personally present before this Court and has offered clarification to the effect that the petitioner herein has had continuous service as per the service certificate dated 17.09.2021 produced at Annexure-R, thereby putting at rest the entire controversy.

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18. Necessary to note that the Act of regularizing the services of only some employees and not of other entitled employees, is discriminatory and violative of Article 14 of the Constitution of India (***Raman Kumar & Others Vs. Union of India & Others – 2023 LiveLaw (SC) 520***).

19. In that view of the matter, there remains no impediment for consideration of case of the petitioner as per with the case of petitioners in W.P. No.103466/2021.

20. Accordingly, the following:

ORDER

(a) Petition is allowed.

(b) Respondent No.2-Registrar is directed to consider the representation of the petitioner as per Annexure-H and grant approval in the similar lines as that of the petitioners in W.P.No.103466/2021 and forward the same to the respondent No.1 for further process in accordance with law.

(c) Service of the petitioners shall be regularized from the date on which the services of petitioners in W.P.No.103466/2021 were regularized with all consequential benefits to which he is entitled shall be paid.

(d) Such exercise shall be done within a period of twelve weeks from the date of receipt of the certified copy of this order.

21. In view of disposal of the petition, pending applications, if any, does not survive for consideration."

The order of the learned Single Judge, which forms the subject matter of the present appeal, was one directing consideration of the claim of the writ petitioner for regularization of service, with effect from the very date on which the services of similarly

situated petitioners in another writ petition had been regularized. The claim was thus founded on the principle of **parity in treatment**, seeking nothing more than the extension of a benefit already conferred upon persons similarly circumstanced. The learned Single Judge, while disposing of the writ petition, directed the competent authority to undertake the exercise of consideration within an outer limit of **12 weeks from the date of the order**. The direction was, therefore, neither open-ended nor indefinite, but one requiring consideration within a clearly stipulated timeframe.

3.1. The State, which was required to act upon the said direction within 12 weeks, has instead chosen to call the order in question before this Court after an **inordinate delay of 626 days**. A direction that was to receive consideration within weeks has remained embroiled in administrative inaction for months together, only to culminate in an appeal preferred after the lapse of nearly two years. The contrast between the time granted for compliance and the time consumed in mounting a challenge is too stark to escape judicial notice. Whether this extraordinary delay deserves the indulgence of this Court must necessarily depend upon the sufficiency, credibility and bona fides of the

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explanation offered by the State. The application seeking condonation of the said delay of 626 days reads as follows:

"1. The above Appeal is filed by the Appellants/state against the Order dated 20.06.2024 passed by the learned Single Judge in W.P.No.105279/2023.

2. It is submitted that, in the above cited case, pursuant to the Order passed by the learned Single Judge, the Government Advocate had opined that the present case is a fit case wherein the Order of the learned Single Judge has to be questioned before the Division Bench of this Hon'ble Court in an Appeal.

3. It is submitted that, after the Judgment was passed by the Hon'ble High Court, the officials of the university and the Government of Karnataka have secured the copy of the judgment and was analyzed and assessed to initiate the further proceedings. In doing so there has been a delay in filing of the present Appeal.

4. It is submitted that, after the copy of the judgment was secured, the University has written to the Government of Karnataka seeking directions in this matter. The Government took decision to prefer an appeal only after in depth analysis of the Judgment and communicated the decision in the month of November 2025.

5. It is submitted that, The Government Order was received by Advocate General Office, Dharwad on 10.10.2025 and after verifying the Documents on the same day the correspondence was made to send original records / required documents to file an appeal. The required documents was received by the Advocate General Office on 19.02.2026. Thereafter, the file was put up for draft before Concerned Law Officer. The Concerned Law-Officer due to day to day Court hearings could not draft the appeal immediately. Hence there is a delay caused in filing of this Appeal.

6. It is submitted that, there is delay of 626 days in preferring the present Appeal this is neither intentional nor deliberative one but only due to

aforementioned bonafide reasons. These circumstances were beyond the control of the appellant. Hence due to these reasons there is delay in filling the present Appeal.

7. It is submitted that, the Appellant has got a good case on merits and if the delay days is not condoned then the rights will be frustrated.

8. It is submitted that, it is very much just and necessary to condone the delay days in preferring the present appeal and the appeal is to be heard on merits.

9. It is submitted that, the delay is neither Intentional nor deliberate but is strictly due to mandatory administrative procedures.

10. It is submitted that, the case involves significant questions of law regarding the Constitutional mandate for public employment and carries a substantial financial burden on the State exchequer.

11. It is submitted that, the Appellant has a prima facie strong case on merits, and if the delay is not condoned, a grave miscarriage of justice will occur by allowing an illegal regularization to stand.

12. It is submitted that, a prima-facie case and balance of convenience lies in favour of appellant and no loss or hardship will be caused to the other side if the present application is allowed.

13. It is submitted that, the delay in filing the present appeal is not intentional but due to the reasons stated above.

14. It is submitted that, if the accompanying application is not allowed, the Appellants will be put to untold hardship and on the contrary, if the accompanying application is allowed, the same will not cause any prejudice to the Respondents.

WHEREFORE, it is prayed that this Hon'ble Court be pleased to allow the application for condonation of delay and condone the delay of 626 days in filing the above appeal in the interest of justice and equity."

The explanation proffered for condonation of delay in the case at hand is **even more appalling and wholly bereft of any semblance of sufficient cause**. The application, when stripped of its verbosity, discloses nothing beyond the customary movement of files from table to table, the circulation of papers from one officer to another, and the time ostensibly consumed by the Law Officers in putting together the requisite documents for preferring the appeal. These are the only circumstances projected to persuade this Court to condone an extraordinary delay of **626 days**. What is conspicuously absent is any explanation as to why the State remained dormant for such an extended period, despite being confronted with a judicial direction requiring consideration of the writ petitioner's claim within 12 weeks. **Administrative procedure cannot be permitted to masquerade as sufficient cause, nor can bureaucratic indifference be clothed in the garb of procedural necessity**. If the mere circulation of files and preparation of papers by Law Officers were to constitute sufficient cause, the law of limitation would lose its meaning whenever the State enters the portals of a Court. The State cannot seek to transform its own administrative inertia into a

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ground for judicial indulgence. The passage of time is not arrested by the movement of files, and the rights flowing from a judicial order cannot be left in perpetual uncertainty at the mercy of official correspondence. The explanation, far from accounting for the delay, merely demonstrates the absence of the diligence expected of a litigant, more so of the State, which is constitutionally obligated to act fairly, responsibly and with reasonable expedition. **A delay of 626 days cannot be condoned merely because the appellant happens to be the State; for the majesty of law lies as much in its uniform application as in its faithful enforcement.**

WRIT APPEAL NO.100437 OF 2026:

4. The order under challenge is dated 7th June 2023 passed in Writ Petition No.103466 of 2021. The relief granted to the writ petitioners is as follows:

"....

13. The 2nd respondent-University is an instrumentality of the State and therefore, the orders passed by the Hon'ble Supreme Court is equally binding on them. When the petitioners or otherwise qualified for regularization of their services, merely for the reason that the regulations of the 2nd respondent-university or the regulations of the UGC do not provide any provision for regularization of the petitioner's service, the benefit of

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regularization of their services cannot be denied to the petitioners.

14. Under these circumstances, pending consideration of the application filed by the petitioners seeking regularization, the 2nd respondent-University was not justified in issuing the impugned notification vide Annexure – Q, dated 12.08.2021 calling applications from the eligible candidates to fill up the posts of Assistant Professors, which included the Posts held by the petitioners. Therefore, the impugned notification at Annexure – Q as well as the re-notification, dated 13.10.2021, issued by the 2nd respondent-University insofar as it relates to filling up of the Posts of Assistant Professors in History, English & Management subjects, which is presently held by the petitioners cannot be sustained. Consequently, even the endorsement issued by the 2nd respondent-University rejecting the representations of the petitioners seeking regularization of their services is also liable to be quashed for the reasons aforesaid. Accordingly, the following:

ORDER

- (i) The writ petition is allowed;
- (ii) The impugned notification Annexure – Q, dated 12.08.2021, issued by the 2nd respondent and the re-notification, dated 13.10.2021, issued by the 2nd respondent University insofar as it relates to calling for applications to fill up the Posts of Assistant Professors in the subjects of History, English & Management in the 2nd respondent-University, which is now held by the petitioners and the impugned endorsements at Annexures – R, S & T, dated 01.09.2021, issued by the 2nd respondent-University are quashed.
- (iii) A direction is issued to the respondents to consider the case of the petitioners for regularization, if they are qualified in terms of the judgment of the Hon'ble Supreme Court in the case of Secretary, State of Karnataka & Others Vs. Umadevi (3) and

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others (Supra) and the said exercise shall be done by the 2nd respondent-University considering the representations filed by the petitioners at Annexures – J, K, L, M, N & P as expeditiously as possible and appropriate orders shall be passed in accordance with law expeditiously, but not later than a period of three months from the date of receipt of certified copy of this order.”

The notification dated 12-08-2021 and the subsequent re-notification dated 13-10-2021, issued by the University inviting applications for appointment to the posts of Assistant Professor, were obliterated by the learned Single Judge, insofar as they pertained to the said posts, with a consequential direction to consider the cases of the writ petitioners for regularization of their services. The State Government, which was arrayed as the 1st respondent in the writ petition, has chosen to call in question the said order by preferring the subject appeal, *albeit* after an **inordinate delay of 1099 days**. The explanation offered for this extraordinary delay, as discernible from the application seeking condonation of delay, reads as follows:

- “1. The above Appeal is filed by the Appellants/state against the Order dated 07.06.2023 passed by the learned Single Judge in W.P.No. 103644/2021 (S-Res).
2. It is submitted that, in the above cited case, pursuant to the Order passed by the learned Single Judge, the Government Advocate had opined that

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the present case is a fit case wherein the Order of the learned Single Judge has to be questioned before the Division Bench of this Hon'ble Court in an Appeal.

3. After receiving the letter and opinion from the learned Government Advocate, the file was sent to the Head of the Legal Cell, Revenue Department, M.S. Building, Bengaluru. The Head of the Legal Cell Department subsequently has given an opinion that the Order under challenge has to be questioned in an Appeal. Subsequently thereof, the file sent to the Head of the Legal Cell and Ex-officio, Deputy Secretary to Government, Department of Law, Justice and Human Rights (Litigation -VI) to obtain an Order to enable the Government to challenge the order dated 07.06.2023 passed in W.P.No.103644/2021 by way of filing an Appeal. The delay in filing the appeal is due to following communications.
4. After receipt of the Court Order, the University sent for the legal opinion and placed before the syndicate on 27.08.2023 was discussed. Later, the Registrar issued Endorsement dated 15/09/2023 after that special Syndicate meeting was convened on 21.09.2023, then Vice-chancellor had withdrawn the endorsement given by the Registrar on 27.09.2023. Appointment orders were issued by the Assistant Registrar to the Respondents on 27.09.2022. The Government received the proposal of the University on 11.10.2023. The Government sought the clarification on 03.02.2024. On 08.02.2024 the Vice-Chancellor KSLU, wrote a letter to government. On 18.05.2024 Government Letter rejecting the proposal of the University for release of the salary grants was sent to the Vice-Chancellor KSLU. On 08.02.2024, the letter of the University regarding release of the salary grants was received. On 18.05.2024 Government Letter rejecting the proposal of the University for release of the salary grants was sent. On 29.06.2024 the Vice-Chancellor KSLU, wrote a letter to government again to release the grants. On 22.08.2024, Government wrote letter to Vice-Chancellor KSLU reiterating the opinion expressed in the letter dated

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18.05.2024. Again on 10.12.2024 the Vice-Chancellor KSLU, wrote a letter to Government to release the grants. On 09.01.2025, Government wrote letter to Vice-Chancellor KSLU reiterating the opinion expressed in the letter dated 18.05.2024 & 22.08.2024. On 13.02.2025 university wrote letter to the e Govt. for release of the grants. On 25.06.2026 the Government Order according the sanction to appeal against the order passed in WP.103466/2021

5. It is submitted that, the delay in filing the present appeal is not intentional but due to the reasons stated above.
6. It is submitted that, if the accompanying application is not allowed, the Appellants will be put to untold hardship and on the contrary, if the accompanying application is allowed, the same will not cause any prejudice to the Respondents.

WHEREFORE, it is prayed that this Hon'ble Court be pleased to allow the application for condonation of delay and condone the delay of 1099 days in filing the above appeal in the interest of justice and equity."

A perusal of the application and the averments made therein would reveal that the entire explanation for the delay revolves around a labyrinth of interdepartmental correspondence between the University and the State Government, and the seemingly interminable movement of files from one table to another, from one officer to the next, within the corridors of the State administration. Beyond this familiar refrain of bureaucratic movement and administrative correspondence, **not a**

semblance of a cogent or convincing explanation is forthcoming as to what prevented the State from approaching this Court within the period prescribed by law. The application is conspicuously silent on any circumstance that could legitimately constitute sufficient cause for such prolonged inaction. The mere movement of files cannot become a convenient sanctuary for administrative lethargy, nor can the passage of papers through successive official hands be elevated to the status of a legally acceptable explanation for the passage of nearly three years.

4.1. A delay of 1099 days is not a mere irregularity in procedure that can be wished away by invoking the indulgence of the Court. It represents a substantial lapse of time during which the order of the learned Single Judge remained unchallenged. The State, merely because it is the State, cannot claim a privileged dispensation from the discipline of limitation. The law of limitation does not stand suspended at the doors of Government offices, nor does the clock of limitation cease to tick while files travel from desk to desk. To condone such an enormous delay on the strength of such an explanation would be to convert judicial discretion into administrative accommodation and render the statutory prescription of

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limitation virtually otiose. The expression 'sufficient cause' demands an explanation that inspires judicial confidence, not a narration of official correspondence that merely chronicles the delay without justifying it. **The delay of 1099 days, therefore, cannot be brushed aside as inconsequential, much less condoned as a matter of course.**

WRIT APPEAL NO.100438 OF 2026:

5. The subject appeal is preferred after a delay of 466 days. The order of the learned single Judge is dated 5th March, 2025 passed in Writ Petition No.100871 of 2025. The order of the learned single Judge is as follows:

"....

9. The communications issued by the Government are furnished along with the Writ Petition and the same are marked as Annexures G, J and L. A perusal of the same would reflect that the Government refused/declined to give the financial aid stating that the University contested the matter in Writ Petition No.103466/2021 hence, they cannot regularize the services of the petitioners. The reasons and the conclusion so arrived by the Government cannot be sustained. The order of this Court has attained finality. The Government was also the party to the proceedings and no appeal has been preferred by the Government. Furthermore, the University is an appointing authority and also has the power to regularize the services of the employees. In compliance with the order, the University has taken a decision and has regularized the services of

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the petitioners. The Government overlooked this aspect of the matter and erroneously declined to give financial aid to the University. The action on the part of the government cannot be sustained. Hence, the petitioners are entitled to the reliefs as sought in the writ petition.

10. The Writ of Certiorari is ordered. The communication bearing No.LAW-KLM/85/2023 dated 18.05.2024 vide Annexure-G, the communication bearing No.LAW-KLM/85/2023 dated 22.08.2024 vide Annexure-J and the communication bearing No.LAW-KLM/85/2023 dated 09.01.2025 vide Annexure-L issued by the first respondent are quashed.

11. A Mandamus is ordered directing the first respondent to extend the benefit of the grant in aid to the petitioners releasing the grants and also pay the arrears, if any without seeking further clarification from the University within 8 weeks from the receipt of the certified copy of this order.

12. Resultantly, the Writ Petition is ***disposed of.***"

The learned Single Judge, upon consideration of the matter, set aside the order impugned before her, finding that the reasons assigned by the State for declining regularization of the services of the writ petitioners were wholly unsustainable. Consequent upon such determination, a direction was issued to the 1st respondent/State to extend to the writ petitioners the benefit of grant-in-aid, to release the grants legitimately due to them and to disburse the arrears, if any, flowing from such entitlement. The order, therefore, was not merely one of setting aside an administrative decision, but carried with it consequential

directions intended to secure to the writ petitioners the benefits of which they had been denied by an order found legally indefensible.

5.1. The State, instead of assailing the said order within the period prescribed by law, has chosen to approach this Court after an **inordinate delay of 466 days**. An order that conferred upon the writ petitioners the benefit of grant-in-aid and consequential monetary relief is thus sought to be reopened after the passage of more than fifteen months. The question that falls for consideration at the threshold is not the correctness or otherwise of the order of the learned Single Judge, but whether the State has demonstrated sufficient cause to warrant condonation of such a substantial delay. **The right to prefer an appeal is undoubtedly a creature of statute, but its exercise is conditioned by the discipline of limitation; the mere existence of a right of appeal does not confer a corresponding right to approach the appellate Court at leisure.** It is in this backdrop that the explanation furnished by the State for seeking condonation of the delay of 466 days assumes significance. The application seeking such condonation reads as follows:

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- "1. The above Appeal is filed by the Appellants/state against the Order dated 07.06.2023 passed by the learned Single Judge in W.P.No. 100871/2021 (S-Res).
2. It is submitted that, in the above cited case, pursuant to the Order passed by the learned Single Judge, the Government Advocate had opined that the present case is a fit case wherein the Order of the learned Single Judge has to be questioned before the Division Bench of this Hon'ble Court in an Appeal.
3. After receiving the letter and opinion from the learned Government Advocate, the file was sent to the Head of the Legal Cell, Revenue Department, M.S. Building, Bengaluru. The Head of the Legal Cell Department subsequently has given an opinion that the Order under challenge has to be questioned in an Appeal. Subsequently thereof, the file sent to the Head of the Legal Cell and Ex-officio, Deputy Secretary to Government, Department of Law, Justice and Human Rights (Litigation -VI) to obtain an Order to enable the Government to challenge the order dated 07.06.2023 passed in W.P.No.100871/2021 by way of filing an Appeal. The delay in filing the appeal is due to following communications.
4. After receipt of the Court Order, the University sent for the legal opinion and placed before the syndicate on 27.08.2023 was discussed. Later, the Registrar issued Endorsement dated 15/09/2023 after that special Syndicate meeting was convened on 21.09.2023, then Vice-chancellor had withdrawn the endorsement given by the Registrar on 27.09.2023. Appointment orders were issued by the Assistant Registrar to the Respondents on 27.09.2022. The Government received the proposal of the University on 11.10.2023. The Government sought the clarification on 03.02.2024. On 08.02.2024 the Vice-Chancellor KSLU, wrote a letter to government. On 18.05.2024 Government Letter rejecting the proposal of the University for release of the salary grants was sent to the Vice-Chancellor KSLU. On 08.02.2024, the letter of the

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University regarding release of the salary grants was received. On 18.05.2024 Government Letter rejecting the proposal of the University for release of the salary grants was sent. On 29.06.2024 the Vice-Chancellor KSLU, wrote a letter to government again to release the grants. On 22.08.2024, Government wrote letter to Vice-Chancellor KSLU reiterating the opinion expressed in the letter dated 18.05.2024. Again on 10.12.2024 the Vice-Chancellor KSLU, wrote a letter to Government to release the grants. On 09.01.2025, Government wrote letter to Vice-Chancellor KSLU reiterating the opinion expressed in the letter dated 18.05.2024 & 22.08.2024. On 13.02.2025 university wrote letter to the e Govt. for release of the grants. On 25.06.2026 the Government Order according the sanction to appeal against the order passed in WP.100871/2021

5. It is submitted that, the delay in filing the present appeal is not intentional but due to the reasons stated above.
6. It is submitted that, if the accompanying application is not allowed, the Appellants will be put to untold hardship and on the contrary, if the accompanying application is allowed, the same will not cause any prejudice to the Respondents.

WHEREFORE, it is prayed that this Hon'ble Court be pleased to allow the application for condonation of delay and condone the delay of 466 days in filing the above appeal in the interest of justice and equity."

It is the very same swan song that is sung in the subject appeal.

The application seeking condonation of delay is nothing but a

verbatim reproduction of the application filed in Writ

Appeal No.100437 of 2026, with no discernible attempt to

furnish an explanation peculiar to the facts and circumstances of

the present case. The familiar tale of files travelling from table to table, papers moving from officer to officer, and administrative formalities consuming time is once again pressed into service as a justification for the delay of **466 days**. What ought to have been a candid and case-specific explanation of the circumstances that prevented the State from approaching this Court within the prescribed period has been reduced to a mechanical exercise of replication. **A copy-and-paste explanation cannot become a passport to condonation of delay.** The expression 'sufficient cause' employed in the law of limitation is not an empty incantation to be invoked through stereotyped averments; it demands disclosure of circumstances that genuinely prevented the litigant from acting with reasonable diligence. If identical explanations are offered for different appeals involving different orders and varying periods of delay, it only accentuates the casualness with which the State has approached the solemn obligation of explaining its default. Judicial discretion cannot be exercised on the strength of administrative templates, nor can the Court be expected to condone substantial delays merely because the same familiar explanation is repeated with unvarying regularity. **The law requires an explanation for**

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the delay, not a reproduction of excuses; it demands diligence, not a demonstration of bureaucratic routine.

WRIT APPEAL NO.100100 OF 2026:

6. The University challenges the order that is subject matter of Writ Appeal No.100438 of 2026. The University also has preferred this appeal after 548 days of delay. The reasons rendered by the University seeking condonation of delay of 548 days are as follows:

- "1. I am the Appellant in the above matter, I am aware of the facts and circumstances of the above case. Hence I am swearing to the content of this Affidavit. I state that the averments made in the accompanying Appeal memo may be read as part and parcel of this affidavit so as to avoid the repetition of the same.
2. I state that after the judgment was passed by the Hon'ble High Court, the officials of the university have secured the copy of the judgment and was analyzed and assessed to initiate the further proceedings. In doing so there has been a delay in filling of the present Appeal.
3. I state that after the copy of the judgment was secured, the Appellant University has secured legal opinion from the panel advocates and due to official work load in the university the concerned officials were not able to secure opinion in time and give instructions to the advocate to prefer the present Appeal. Hence there has been a delay in preferring the present Appeal.

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4. And also I state that, the parent department i.e. Office of the Principal Secretary to Government, Department of Law, Justice and Human Rights, Vidhan Soudha, Bengaluru issued letter No.Law/KLM/135/2024 Date: 05.11.2025 which was received on 11.11.2025 stating that the matter decided in WP.105279/2023 needs to be appealed. Hence, the university is filing appeal in this matter.
5. I state that, there is delay of days in preferring the present Appeal this is neither intentional nor deliberative one but only due to aforementioned bonafide reason. These circumstances were beyond the control of the university. Hence due to these reasons there is delay in filing the present Appeal.
6. I am advised to state that, the Appellant University has got a good case on merits and if the delay days are not condoned then the rights will be frustrated.
7. I state that, it is very much just and necessary to condone the delay days in preferring the present appeal and the appeal is to be heard on merits.
8. The delay is neither intentional nor deliberate but is strictly due to mandatory administrative procedures, including the obtaining of legal opinions from the panel advocates and the subsequent Issuance of the Government Order (LAW: 277: LSP: 2025) dated 30.09.2025 authorizing the appeal.
9. The case involves significant questions of law regarding the Constitutional mandate for public employment and carries substantial financial burden on the University exchequer.
10. The Appellant has a prima facie strong case on merits, and if the delay is not condoned, a grave miscarriage of justice will occur by allowing an illegal regularization to stand.
11. I state that, I have made out a prima-facie case and balance convenience lies in my favour and no loss or hardship will be caused to the other side if the present application is allowed.

12. Therefore, it is most respectfully prayed that the Hon'ble Court may kindly be pleased to allow the accompanying application, the interest of justice and equity."

Here again, the explanation for the delay finds place in paragraphs 3 and 4 of the application. The entire edifice of the plea for condonation rests upon the time ostensibly consumed in securing legal opinion and collating the documents necessary for preferring the appeal. **A delay of 548 days is thus sought to be explained away by the twin expressions of obtaining legal opinion and collection of records.** Neither the exercise of securing legal opinion nor the process of gathering documents can, by itself, furnish an inexhaustible reservoir of sufficient cause to justify such prolonged inaction. The application does not disclose any compelling circumstance that rendered it impossible for the University to approach this Court with reasonable expedition.

6.1. Legal opinion is intended to facilitate timely recourse to law, not to become an instrument for defeating the discipline of limitation. Likewise, the collation of documents is an incident of litigation and cannot be elevated into a justification for permitting an appeal to remain dormant for 548 days. **The mere**

recital of administrative steps undertaken is no substitute for an explanation of why those steps could not have been undertaken with the diligence that the law demands. The explanation, therefore, does little to inspire judicial confidence in the *bona fides* of the delay sought to be condoned.

7. The controversy that engaged the attention of the learned Single Judges in all these matters had its genesis in the selection and appointment of the writ petitioners to the posts of Assistant Professors in the year 2010, and their subsequent claims for regularization of services and consequential service benefits. In certain cases, the learned Single Judges directed consideration of the claims for regularization; in others, directions were issued for extension of salary grants, payment of arrears and conferment of incidental benefits legitimately flowing from such entitlement. The orders were thus concerned with the service rights and monetary entitlements of employees who had approached the constitutional Court seeking redressal of their grievances. These were not cases where implementation of the orders was demonstrated to entail such an enormous or extraordinary financial burden upon the State exchequer as

would, by itself, explain the prolonged reluctance to act upon them.

7.1. What is particularly disquieting is the sequence of events that followed. The writ petitioners, armed with orders rendered in their favour, were compelled to institute contempt proceedings, alleging continued non-compliance and recalcitrance on the part of the authorities. **It is only when the spectre of contempt proceedings loomed large that the administrative machinery appears to have awakened from its prolonged slumber.** The State and the University, which had permitted the orders of the learned Single Judges to remain unchallenged for months and, in some cases, for years, suddenly found the urgency to invoke the appellate jurisdiction of this Court. The appeals thus emerge, not in the ordinary course of diligent pursuit of legal remedies, but in the aftermath of proceedings initiated to secure obedience to judicial commands. The delays range from **466 days to 1099 days**, each sought to be justified through explanations substantially revolving around movement of files, exchange of correspondence, securing of legal opinion and collection of documents.

7.2. The question that consequently arises is one of considerable significance: **whether the State or its instrumentalities, by the mere virtue of their institutional character, can claim a latitude in matters of limitation which the law does not ordinarily extend to other litigants.** Can administrative inertia, bureaucratic indifference and the leisurely movement of official files constitute sufficient cause merely because the litigant seeking indulgence is the Government or a University? Does the law of limitation wear one face for the citizen and another for the State? Or does the principle of equality before law demand that every litigant, irrespective of institutional identity, demonstrate sufficient cause for the delay in invoking the jurisdiction of the Court?

7.3. The answer to these questions must be found not in considerations of administrative convenience, but in the settled principles governing the exercise of judicial discretion under the law of limitation. The jurisprudence on the subject has witnessed decisions of the Apex Court adopting a liberal approach where the circumstances warranted substantial justice being preferred over technical considerations, and equally emphatic pronouncements declining to condone delays, even of

comparatively shorter duration, where negligence, want of diligence or absence of sufficient cause stood demonstrated. **The distinction lies not merely in the length of the delay, but in the sufficiency of the cause; not in the identity of the litigant, but in the *bona fides* of the explanation.** It therefore becomes necessary to traverse the judicial landscape shaped by the Apex Court, examining the circumstances in which indulgence has been extended to the State despite delay, and those in which the Court has declined such indulgence notwithstanding the comparatively modest period of delay. It is against the backdrop of this evolving jurisprudence that the applications seeking condonation of delay in the present appeals must be tested.

CASES WHERE THE APEX COURT HAS CONDONED DELAY:

8. The State has relied on the following judgments where the Apex Court has condoned the delay. I deem it appropriate to notice the judgments relied on by the State.

8.1. The Apex Court in the case of **STATE OF HARYANA**

v. CHANDRAMANI¹ holds as follows:

"....

11. It is notorious and common knowledge that delay in more than 60 per cent of the cases filed in this Court — be it by private party or the State — are barred by limitation and this Court generally adopts liberal approach in condonation of delay finding somewhat sufficient cause to decide the appeal on merits. It is equally common knowledge that litigants including the State are accorded the same treatment and the law is administered in an even-handed manner. **When the State is an applicant, praying for condonation of delay, it is common knowledge that on account of impersonal machinery and the inherited bureaucratic methodology imbued with the note-making, file-pushing, and passing-on-the-buck ethos, delay on the part of the State is less difficult to understand though more difficult to approve, but the State represents collective cause of the community. It is axiomatic that decisions are taken by officers/agencies proverbially at slow pace and encumbered process of pushing the files from table to table and keeping it on table for considerable time causing delay — intentional or otherwise — is a routine. Considerable delay of procedural red-tape in the process of their making decision is a common feature. Therefore, certain amount of latitude is not impermissible. If the appeals brought by the State are lost for such default no person is individually affected but what in the ultimate analysis suffers, is public interest. The expression "sufficient cause" should, therefore, be considered with pragmatism in justice-oriented approach rather than the technical detection of sufficient cause for explaining every day's delay. The factors which are peculiar to and characteristic of the functioning of the governmental conditions would be cognizant to and requires adoption of pragmatic approach in justice-oriented process. The court should decide the matters on merits unless the case is hopelessly**

¹ (1996) 3 SCC 132

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without merit. No separate standards to determine the cause laid by the State vis-à-vis private litigant could be laid to prove strict standards of sufficient cause. The Government at appropriate level should constitute legal cells to examine the cases whether any legal principles are involved for decision by the courts or whether cases require adjustment and should authorise the officers to take a decision or give appropriate permission for settlement. In the event of decision to file appeal needed prompt action should be pursued by the officer responsible to file the appeal and he should be made personally responsible for lapses, if any. Equally, the State cannot be put on the same footing as an individual. The individual would always be quick in taking the decision whether he would pursue the remedy by way of an appeal or application since he is a person legally injured while State is an impersonal machinery working through its officers or servants. Considered from this perspective, it must be held that the delay of 109 days in this case has been explained and that it is a fit case for condonation of the delay."

8.2. The Apex Court in the case of **STATE OF NAGALAND**

v. LIPOK AO² holds as follows:

"....

9. What constitutes sufficient cause cannot be laid down by hard-and-fast rules. **In *New India Insurance Co. Ltd. v. Shanti Misra* [(1975) 2 SCC 840]** this Court held that discretion given by Section 5 should not be defined or crystallised so as to convert a discretionary matter into a rigid rule of law. The expression "sufficient cause" should receive a liberal construction. **In *Brij Indar Singh v. Kanshi Ram* [ILR (1918) 45 Cal 94 : AIR 1917 PC 156]** it was observed that true guide for a court to exercise the discretion under Section 5 is whether the appellant acted with reasonable diligence in prosecuting the appeal. **In *Shakuntala Devi Jain v. Kuntal Kumari* [(1969) 1 SCR 1006 : AIR 1969 SC 575]** a

² (2005) 3 SCC 752

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Bench of three Judges had held that unless want of bona fides of such inaction or negligence as would deprive a party of the protection of Section 5 is proved, the application must not be thrown out or any delay cannot be refused to be condoned.

10. In *Concord of India Insurance Co. Ltd. v. Nirmala Devi* [(1979) 4 SCC 365 : 1979 SCC (Cri) 996] which is a case of negligence of the counsel which misled a litigant into delayed pursuit of his remedy, the default in delay was condoned. In *Lala Mata Din v. A. Narayanan* [(1969) 2 SCC 770] this Court had held that there is no general proposition that mistake of counsel by itself is always sufficient cause for condonation of delay. **It is always a question whether the mistake was bona fide or was merely a device to cover an ulterior purpose. In that case it was held that the mistake committed by the counsel was bona fide and it was not tainted by any mala fide motive.**

11. In *State of Kerala v. E.K. Kuriyipe* [1981 Supp SCC 72] it was held that whether or not there is sufficient cause for condonation of delay is a question of fact dependent upon the facts and circumstances of the particular case. In *Milavi Devi v. Dina Nath* [(1982) 3 SCC 366] it was held that the appellant had sufficient cause for not filing the appeal within the period of limitation. This Court under Article 136 can reassess the ground and in appropriate case set aside the order made by the High Court or the Tribunal and remit the matter for hearing on merits. It was accordingly allowed, delay was condoned and the case was remitted for decision on merits.

12. In *O.P. Kathpalia v. Lakhmir Singh* [(1984) 4 SCC 66] a Bench of three Judges had held that if the refusal to condone the delay results in grave miscarriage of justice, it would be a ground to condone the delay. Delay was accordingly condoned. In *Collector, Land Acquisition v. Katiji* [(1987) 2 SCC 107] a Bench of two Judges considered the question of limitation in an appeal filed by the State and held that Section 5 was enacted in order to enable the court to do substantial justice to the parties by disposing of

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matters on merits. The expression "sufficient cause" is adequately elastic to enable the court to apply the law in a meaningful manner which subserves the ends of justice — that being the life purpose for the existence of the institution of courts. It is common knowledge that this Court has been making a justifiably liberal approach in matters instituted in this Court. But the message does not appear to have percolated down to all the other courts in the hierarchy. This Court reiterated that the expression "every day's delay must be explained" does not mean that a pedantic approach should be made. The doctrine must be applied in a rational, common-sense, pragmatic manner. When substantial justice and technical considerations are pitted against each other, cause of substantial justice deserves to be preferred for the other side cannot claim to have vested right in injustice being done because of a non-deliberate delay. There is no presumption that delay is occasioned deliberately, or on account of culpable negligence, or on account of mala fides. A litigant does not stand to benefit by resorting to delay. In fact he runs a serious risk. Judiciary is not respected on account of its power to legalise injustice on technical grounds but because it is capable of removing injustice and is expected to do so. Making a justice-oriented approach from this perspective, there was sufficient cause for condoning the delay in the institution of the appeal. The fact that it was the State which was seeking condonation and not a private party was altogether irrelevant. The doctrine of equality before law demands that all litigants, including the State as a litigant, are accorded the same treatment and the law is administered in an even-handed manner. There is no warrant for according a stepmotherly treatment when the State is the applicant. The delay was accordingly condoned.

13. Experience shows that on account of an impersonal machinery (no one in charge of the matter is directly hit or hurt by the judgment sought to be subjected to appeal) and the inherited bureaucratic methodology imbued with the note-making, file-pushing, and passing-on-the-buck ethos, delay on its part is less difficult to understand though more difficult to approve.

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The State which represents collective cause of the community, does not deserve a litigant-non-grata status. The courts, therefore, have to be informed with the spirit and philosophy of the provision in the course of the interpretation of the expression of sufficient cause. Merit is preferred to scuttle a decision on merits in turning down the case on technicalities of delay in presenting the appeal. Delay as accordingly condoned, the order was set aside and the matter was remitted to the High Court for disposal on merits after affording opportunity of hearing to the parties. In *Prabha v. Ram Parkash Kalra* [1987 Supp SCC 339] this Court had held that the court should not adopt an injustice-oriented approach in rejecting the application for condonation of delay. The appeal was allowed, the delay was condoned and the matter was remitted for expeditious disposal in accordance with law.

14. In *G. Ramegowda v. Spl. Land Acquisition Officer* [(1988) 2 SCC 142] it was held that no general principle saving the party from all mistakes of its counsel could be laid. **The expression "sufficient cause" must receive a liberal construction so as to advance substantial justice and generally delays in preferring the appeals are required to be condoned in the interest of justice where no gross negligence or deliberate inaction or lack of bona fides is imputable to the party seeking condonation of delay. In litigations to which Government is a party, there is yet another aspect which, perhaps, cannot be ignored. If appeals brought by Government are lost for such defaults, no person is individually affected, but what, in the ultimate analysis, suffers is public interest. The decisions of Government are collective and institutional decisions and do not share the characteristics of decisions of private individuals. The law of limitation is, no doubt, the same for a private citizen as for governmental authorities. Government, like any other litigant must take responsibility for the acts, omissions of its officers. But a somewhat different complexion is imparted to the matter where Government makes out a case where public interest was shown to have suffered owing to acts of fraud or bad faith on the part of its officers or agents and where the officers were clearly at cross-purposes with it. It was, therefore, held that in assessing what constitutes**

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sufficient cause for purposes of Section 5, it might, perhaps, be somewhat unrealistic to exclude from the considerations that go into the judicial verdict, these factors which are peculiar to and characteristic of the functioning of the Government. Government decisions are proverbially slow encumbered, as they are, by a considerable degree of procedural red tape in the process of their making. A certain amount of latitude is, therefore, not impermissible. It is rightly said that those who bear responsibility of Government must have "a little play at the joints". Due recognition of these limitations on governmental functioning — of course, within reasonable limits — is necessary if the judicial approach is not to be rendered unrealistic. It would, perhaps, be unfair and unrealistic to put Government and private parties on the same footing in all respects in such matters. Implicit in the very nature of governmental functioning is procedural delay incidental to the decision-making process. The delay of over one year was accordingly condoned.

15. It is axiomatic that decisions are taken by officers/agencies proverbially at a slow pace and encumbered process of pushing the files from table to table and keeping it on the table for considerable time causing delay — intentional or otherwise — is a routine. Considerable delay of procedural red tape in the process of their making decision is a common feature. Therefore, certain amount of latitude is not impermissible. **If the appeals brought by the State are lost for such default no person is individually affected but what in the ultimate analysis suffers, is public interest. The expression "sufficient cause" should, therefore, be considered with pragmatism in a justice-oriented approach rather than the technical detection of sufficient cause for explaining every day's delay. The factors which are peculiar to and characteristic of the functioning of the governmental conditions would be cognizant to and requires adoption of pragmatic approach in justice-oriented process. The court should decide the matters on merits unless the case is hopelessly without merit. No separate standards to determine the cause laid by the State vis-à-vis private litigant**

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could be laid to prove strict standards of sufficient cause. The Government at appropriate level should constitute legal cells to examine the cases whether any legal principles are involved for decision by the courts or whether cases require adjustment and should authorise the officers to take a decision or give appropriate permission for settlement. **In the event of decision to file appeal, needed prompt action should be pursued by the officer responsible to file the appeal and he should be made personally responsible for lapses, if any. Equally, the State cannot be put on the same footing as an individual. The individual would always be quick in taking the decision whether he would pursue the remedy by way of an appeal or application since he is a person legally injured while the State is an impersonal machinery working through its officers or servants.**

16. The above position was highlighted in *State of Haryana v. Chandra Mani* [(1996) 3 SCC 132] and *Special Tehsildar, Land Acquisition v. K.V. Ayisumma* [(1996) 10 SCC 634]. It was noted that adoption of strict standard of proof sometimes fails to protract (*sic*) public justice, and it would result in public mischief by skilful management of delay in the process of filing an appeal.”

8.3. The Apex Court in the case of **SHEO RAJ SINGH v.**

UNION OF INDIA³ holds as follows:

“ ”

Analysis

29. We have heard Mr Sharma and Mr Sen, appearing on behalf of the appellants and the respondents, respectively, and perused the order under challenge.

30. Considering the aforementioned decisions, there cannot be any quarrel that this Court has stepped in to ensure that substantive rights of private parties and the State are not defeated at the threshold simply due to

³ (2023) 10 SCC 531

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technical considerations of delay. However, these decisions notwithstanding, we reiterate that condonation of delay being a discretionary power available to courts, **exercise of discretion must necessarily depend upon the sufficiency of the cause shown and the degree of acceptability of the explanation, the length of delay being immaterial.**

31. Sometimes, due to want of sufficient cause being shown or an acceptable explanation being proffered, delay of the shortest range may not be condoned whereas, in certain other cases, delay of long periods can be condoned if the explanation is satisfactory and acceptable. Of course, the courts must distinguish between an "explanation" and an "excuse". An "explanation" is designed to give someone all of the facts and lay out the cause for something. It helps clarify the circumstances of a particular event and allows the person to point out that something that has happened is not his fault, if it is really not his fault. Care must, however, be taken to distinguish an "explanation" from an "excuse". Although people tend to see "explanation" and "excuse" as the same thing and struggle to find out the difference between the two, there is a distinction which, though fine, is real.

32. An "excuse" is often offered by a person to deny responsibility and consequences when under attack. It is sort of a defensive action. Calling something as just an "excuse" would imply that the explanation proffered is believed not to be true. Thus said, there is no formula that caters to all situations and, therefore, each case for condonation of delay based on existence or absence of sufficient cause has to be decided on its own facts. At this stage, we cannot but lament that it is only excuses, and not explanations, that are more often accepted for condonation of long delays to safeguard public interest from those hidden forces whose sole agenda is to ensure that a meritorious claim does not reach the higher courts for adjudication.

33. Be that as it may, it is important to bear in mind that we are not hearing an application for condonation of delay but sitting in appeal over a discretionary order of the High Court granting the prayer

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for condonation of delay. In the case of the former, whether to condone or not would be the only question whereas in the latter, whether there has been proper exercise of discretion in favour of grant of the prayer for condonation would be the question. **Law is fairly well-settled that "a court of appeal should not ordinarily interfere with the discretion exercised by the courts below".** If any authority is required, we can profitably refer to the decision in *Manjunath Anandappa v. Tammanasa* [*Manjunath Anandappa v. Tammanasa*, (2003) 10 SCC 390], which in turn relied on the decision in *Gujarat Steel Tubes Ltd. v. Gujarat Steel Tubes Mazdoor Sabha* [*Gujarat Steel Tubes Ltd. v. Gujarat Steel Tubes Mazdoor Sabha*, (1980) 2 SCC 593 : 1980 SCC (L&S) 197] where it has been held that:

"an appellate power interferes *not* when the order appealed is not right but only when it is clearly wrong".

(emphasis in original)

34. The order under challenge in this appeal is dated 21-12-2011 [*Union of India v. Sheo Raj*, 2011 SCC OnLine Del 5511]. It was rendered at a point of time when the decisions in *Katiji* [*Collector (LA) v. Katiji*, (1987) 2 SCC 107], *Ramegowda* [*G. Ramegowda v. LAO*, (1988) 2 SCC 142], *Chandra Mani* [*State of Haryana v. Chandra Mani*, (1996) 3 SCC 132], *K.V. Ayisumma* [*Tehsildar (LA) v. K.V. Ayisumma*, (1996) 10 SCC 634] and *Lipok AO* [*State of Nagaland v. Lipok Ao*, (2005) 3 SCC 752 : 2005 SCC (Cri) 906] were holding the field. It is not that the said decisions do not hold the field now, having been overruled by any subsequent decision. Although there have been some decisions in the recent past [*State of M.P. v. Bherulal* [*State of M.P. v. Bherulal*, (2020) 10 SCC 654 : (2021) 1 SCC (Civ) 101 : (2021) 1 SCC (Cri) 117 : (2021) 1 SCC (L&S) 84] is one such decision apart from *University of Delhi* [*University of Delhi v. Union of India*, (2020) 13 SCC 745] which have not accepted governmental lethargy, tardiness and indolence in presenting appeals within time as sufficient cause for condonation of delay, yet, the exercise of discretion by the High Court has to be tested on the anvil of the liberal and justice oriented approach expounded in the aforesaid decisions which have been referred to above.

35. We find that the High Court in the present case assigned the following reasons in support of its order:

35.1. The law of limitation was founded on public policy, and that some lapse on the part of a litigant, by itself, would not be sufficient to deny condonation of delay as the same could cause miscarriage of justice.

35.2. The expression "sufficient cause" is elastic enough for courts to do substantial justice. Further, when substantial justice and technical considerations are pitted against one another, the former would prevail.

35.3. It is upon the courts to consider the sufficiency of cause shown for the delay, and the length of delay is not always decisive while exercising discretion in such matters if the delay is properly explained. Further, the merits of a claim were also to be considered when deciding such applications for condonation of delay.

35.4. Further, a distinction should be drawn between inordinate unexplained delay and explained delay, where in the present case, the first respondent had sufficiently explained the delay on account of negligence on part of the government functionaries and the government counsel on record before the Reference Court.

35.5. The officer responsible for the negligence would be liable to suffer and not public interest through the State. The High Court felt inclined to take a pragmatic view since the negligence therein did not border on callousness.

36. Given these reasons, we do not consider discretion to have been exercised by the High Court in an arbitrary manner. The order under challenge had to be a clearly wrong order so as to be liable for interference, which it is not.

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41. Having bestowed serious consideration to the rival contentions, we feel that the High Court's decision [*Union of India v. Sheo Raj*, 2011 SCC OnLine Del 5511] to condone the delay on account of the first respondent's inability to present the appeal within time, for the reasons assigned therein, does not suffer from any error warranting interference. As the aforementioned judgments have shown, such an exercise of discretion does, at times, call for a liberal and justice-oriented approach by the courts, where certain leeway could be provided to the State. The hidden forces that are at work in preventing an appeal by the State being presented within the prescribed period of limitation so as not to allow a higher court to pronounce upon the legality and validity of an order of a lower court and thereby secure unholy gains, can hardly be ignored. Impediments in the working of the grand scheme of governmental functions have to be removed by taking a pragmatic view on balancing of the competing interests."

8.4. The Apex Court in the case of **MOOL CHANDRA v.**

UNION OF INDIA⁴ holds as follows:

"....

8. OA No. 1579 of 2017 came to be filed by the appellant seeking direction to the respondent authorities to consider his representation and same came to be disposed of by the Tribunal vide order dated 8-5-2017 [*Mool Chandra v. Statistics*, OA No. 1579 of 2017, order dated 8-5-2017 (CAT)] directing the respondents to dispose of the representation dated 27-7-2015 within a period of 90 days. This resulted in the same being disposed of and intimation/communication was forwarded to the appellant on 9-11-2017 informing the appellant thereunder that representation dated 27-7-2015 has been considered and rejected. The appellant was also intimated that his representations had already been disposed of and same had been intimated vide communication dated 20-11-2016/22-11-2016 itself and also forwarded copy

⁴ (2025) 1 SCC 625

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thereof to the appellant along with communication dated 9-11-2017.

9. The communication dated 9-11-2017 came to be challenged by the appellant in OA No. 3034 of 2018 as well as the communication dated 20-11-2016/22-11-2016. The said OA is said to have been withdrawn by the learned counsel appearing for the appellant purportedly without his consent and knowledge on 10-8-2018 [*Mool Chandra v. Union of India*, 2018 SCC OnLine CAT 28651]. The said order [*Mool Chandra v. Union of India*, 2018 SCC OnLine CAT 28651] of the Tribunal dismissing the OA as withdrawn reads: (*Mool Chandra case* [*Mool Chandra v. Union of India*, 2018 SCC OnLine CAT 28651], SCC OnLine CAT paras 1-2)

"1. The learned counsel for applicant seeks permission of the Tribunal to withdraw the OA.

2. Permission is accorded. The OA is dismissed as withdrawn without prejudice to the right of the applicant to pursue his remedy in accordance with law."

10. The appellant claims that he came to know about this fact, namely, withdrawal of his application before the Tribunal only in the last week of August 2019 and immediately thereafter he had applied for certified copy of the order dated 10-8-2018 [*Mool Chandra v. Union of India*, 2018 SCC OnLine CAT 28651] and filed another OA No. 2066 of 2020 before the Tribunal along with Miscellaneous Application No. 3679 of 2019 for condoning the delay in filing the OA as he had been given opportunity to pursue his remedy in accordance with law.

11. The application for condonation of delay came to be rejected by the Tribunal vide order dated 10-12-2020 [*Mool Chandra v. Union of India*, 2020 SCC OnLine CAT 17285] by observing thus : (*Mool Chandra case* [*Mool Chandra v. Union of India*, 2020 SCC OnLine CAT 17285] , SCC OnLine CAT paras 3-4)

"3. The delay involved is more than one year. It is not as if the applicant was not aware of the proceedings. As a matter of fact, the OA is filed against the order of dismissal, passed

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against him was allowed and relief was granted. It is in compliance with the order passed by the Tribunal, that the revised order of punishment was passed. The appellate authority rejected the appeal in the year 2016. It is not the case of the applicant that he did not receive the same. Further, the applicant was very much free to pursue the proceedings, ever since he retired. Except stating that his earlier counsel did not take proper steps, the applicant did not substantiate the reasons for delay.

4. We are not convinced with the reasons given in the MA. The same is accordingly dismissed. The OA shall also stand dismissed."

12. Being aggrieved by the same, the appellant filed Writ Petition (Civil) No. 5350 of 2022 before the Delhi High Court which dismissed the writ petition by the impugned order [*Mool Chandra v. Union of India*, 2023 SCC OnLine Del 8673] ' [*Mool Chandra v. Union of India*, 2023 SCC OnLine Del 8674] while affirming the order [*Mool Chandra v. Union of India*, 2020 SCC OnLine CAT 17285] of the Tribunal and observed that justifiable penalty had been imposed by the disciplinary authority. Hence, this appeal.

Contentions of learned advocates

13. It is the contention of Shri Vardhman Kaushik, learned counsel appearing for the appellant that the High Court on the one hand having opined not to entertain the writ petition on the ground of alleged unexplained delay, yet proceeded to deal with the matter on merits of the case, that too without affording an opportunity to the appellant and as such the appeal deserves to be allowed by setting aside the impugned order [*Mool Chandra v. Union of India*, 2023 SCC OnLine Del 8673]' [*Mool Chandra v. Union of India*, 2023 SCC OnLine Del 8674]. He would further elaborate his submissions by contending that the Tribunal had committed an error in not condoning the delay of 425 days in filing OA No. 2066 of 2020 and the delay was due to the mistake of the counsel, who without the knowledge and consent of the appellant had withdrawn the earlier OA No. 3034 of 2018 and also without prejudice to the right of the appellant to pursue his remedy in accordance with law and it is on

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account of lack of knowledge of the appellant's application having been withdrawn and on acquiring knowledge about such unilateral withdrawal the appellant had taken immediate steps to prosecute his legitimate claim before the Tribunal by filing OA No. 2066 of 2020 afresh along with Miscellaneous Application No. 3679 of 2019 for condonation of delay and as such the Tribunal ought to have condoned the delay which refused to do so and the same has been erroneously affirmed by the High Court. He would submit that a party should not suffer for the mistake of his counsel or the conduct of the counsel and he has placed reliance on *Rafiq v. Munshilal* [*Rafiq v. Munshilal*, (1981) 2 SCC 788] and *N. Balakrishnan v. M. Krishnamurthy* [*N. Balakrishnan v. M. Krishnamurthy*, (1998) 7 SCC 123].

14. Shri Kaushik would further contend that the term "*sufficient cause*" ought to receive liberal construction by the constitutional courts to advance substantial justice and the facts obtained in the instant case were sufficient to hold that the delay in filing fresh OA was not attributable to any laxity exhibited by the appellant. On merits the learned counsel appearing for the appellant would contend that it is an undisputed fact that the complainant (wife of the appellant) had withdrawn her complaint and an affidavit to the said effect had been filed before the enquiry officer itself and she had also not deposed before inquiry though cited as a witness on behalf of employer and as such the finding of the enquiry officer holding the appellant guilty of alleged misconduct was an erroneous finding and liable to be set aside. Hence, he prays for the appeals being allowed.

15. Per contra Shri N. Visakamurthy, learned counsel appearing for the respondents would support the impugned orders [*Mool Chandra v. Union of India*, 2023 SCC OnLine Del 8673] ' [*Mool Chandra v. Union of India*, 2023 SCC OnLine Del 8674] and submits that purported representations submitted by the appellant vide letters dated 19-10-2004, 16-3-2016 and 17-3-2016, had been examined by the Ministry and had been rejected vide OM dated 20-11-2016/22-11-2016 and this was challenged in OA No. 3034 of 2018 and same had been withdrawn [*Mool Chandra v. Union of India*, 2018 SCC OnLine CAT 28651] by the appellant unconditionally and as such no

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fault can be laid at the doors of the respondents. Hence, he prays for dismissal of the appeals.

16. Having heard the learned advocates appearing for the parties and after bestowing our careful and anxious consideration to the rival contentions raised at the Bar, we are of the considered view that the impugned orders [*Mool Chandra v. Union of India*, 2023 SCC OnLine Del 8673] ' [*Mool Chandra v. Union of India*, 2023 SCC OnLine Del 8674] are not sustainable and they are liable to be set aside for the reasons assigned hereafter.

Discussion and findings

17. It is an undisputed fact that the appellant was issued with the article of charge alleging that he had deserted his wife and two school-going children and was residing along with another lady. The said disciplinary proceedings came to be initiated on account of a complaint lodged by the wife of the appellant. When the enquiry officer commenced the inquiry, she filed an affidavit stating thereunder that she had filed the complaint under mistaken notion and she withdrew the complaint. In fact, in the articles of charge issued to the appellant she was cited as a witness by the respective authority and neither she appeared before the enquiry officer nor she had deposed in the inquiry proceedings. Though, she had already filed an affidavit withdrawing her complaint against the appellant, yet the enquiry officer proceeded with the inquiry and submitted the report as already noticed hereinabove, holding the appellant guilty of the charge of deserting his wife and children and exonerating him of charge of residing with another lady. This resulted in an order of dismissal being passed against the appellant and same was challenged before the Tribunal in OA No. 116 of 2002 by the appellant which came to be allowed and matter was remitted to the disciplinary authority to pass fresh order, which resulted in reinstatement of the appellant into service and imposing of minor penalty, namely, stoppage of one increment of pay for a period of one year without cumulative effect.

18. On account of the said penalty having been imposed on the appellant, representation was submitted to the authorities for complete exoneration and grant of

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promotion on a par with his juniors. In the meanwhile, the appellant attained superannuation and thereafter OA No. 1579 of 2017 was filed for a direction to the respondents to consider the representation which was unattended and a direction came to be issued by the Tribunal on 8-5-2017 [*Mool Chandra v. Statistics*, OA No. 1579 of 2017, order dated 8-5-2017 (CAT)] directing the respondents to dispose of the representation within a period of 90 days and accordingly it was disposed of as already noticed herein supra and intimated to the appellant by communication dated 9-11-2017.

19. Being aggrieved, the appellant challenged the same in OA No. 3034 of 2018. However, the counsel appearing for the appellant is said to have withdrawn the said OA. On the one hand the appellant claims that he had not authorised his counsel to withdraw OA No. 3034 of 2018 and on the other hand, the learned counsel appearing for the respondents has submitted that OA had been withdrawn by the appellant through his counsel without prejudice to the right of the appellant to pursue his remedy in accordance with law. This oath against oath cannot be tested in the absence of any proof. The fact remains that there was no memo duly signed by the appellant came to be filed for withdrawal of the application before the Tribunal.

20. Be that as it may. On account of liberty having been granted to the appellant to pursue his remedy in accordance with law, yet another OA No. 2066 of 2020 along with an application for condonation of delay came to be filed. The delay was not condoned by the Tribunal on the ground that it was filed more than one year after the impugned order came to be passed. **No litigant stands to benefit in approaching the courts belatedly. It is not the length of delay that would be required to be considered while examining the plea for condonation of delay, it is the cause for delay which has been propounded will have to be examined. If the cause for delay would fall within the four corners of "sufficient cause", irrespective of the length of delay same deserves to be condoned. However, if the cause shown is insufficient, irrespective of the period of delay, same would not be condoned.**

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21. In this background when we turn our attention to the facts on hand, it would emerge from the records that the appellant being aggrieved by the dismissal of OA No. 2066 of 2020 on the ground of delay had approached the Delhi High Court challenging the same. The High Court on the ground of penalty imposed being a minor penalty, refused to entertain the writ petition or in other words confirmed the order impugned before the Tribunal on merits.

22. This Court in *Commr. v. Labour Commr.* [*Commr. v. Labour Commr.*, (2009) 3 SCC 525 : (2009) 1 SCC (Civ) 876] has taken a view that while deciding an application for condonation of delay the High Court ought not to have gone into the merits of the case. It has been further held : (SCC p. 526, para 5)

"5. While deciding an application for condonation of delay, it is well settled that the High Court ought not to have gone into the merits of the case and would have only seen whether sufficient cause had been shown by the appellant for condoning the delay in filing the appeal before it. We ourselves have also examined the application filed under Section 5 of the Limitation Act before the High Court and, in our opinion, the delay of 178 days has been properly explained by the appellant. That being the position, we set aside the impugned order of the High Court. Consequently, the appeal filed before the High Court is restored to its original file. The High Court is requested to decide the appeal on merit in accordance with law after giving hearing to the parties and after passing a reasoned order."

23. If negligence can be attributed to the appellant, then necessarily the delay which has not been condoned by the Tribunal and affirmed by the High Court deserves to be accepted. However, if no fault can be laid at the doors of the appellant and cause shown is sufficient then we are of the considered view that both the Tribunal and the High Court were in error in not adopting a liberal approach or justice-oriented approach to condone

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the delay. This Court in *Municipal Council, Ahmednagar v. Shah Hyder Beig* [*Municipal Council, Ahmednagar v. Shah Hyder Beig*, (2000) 2 SCC 48] has held : (SCC p. 51, para 6)

"6. Incidentally this point of delay and laches was also raised before the High Court and on this score the High Court relying upon the decision in *Abhyankar case* [*N.L. Abhyankar v. Union of India*, 1994 SCC OnLine Bom 574 : (1995) 1 Mah LJ 503] observed that **it is not an inflexible rule that whenever there is delay, the Court must and necessarily refuse to entertain the petition filed after a period of three years or more which is the normal period of limitation for filing a suit. The Bombay High Court in *Abhyankar case* [*N.L. Abhyankar v. Union of India*, 1994 SCC OnLine Bom 574 : (1995) 1 Mah LJ 503] stated that the question is one of discretion to be followed in the facts and circumstances of each case and further stated : (SCC OnLine Bom para 22)**

'22. ... The real test for sound exercise of discretion by the High Court in this regard is not the physical running of time as such but the test is whether by reason of delay, there is such negligence on the part of the petitioner, so as to infer that he has given up his claim or whether before the petitioner has moved the writ court, the rights of the third parties have come into being which should not be allowed to be disturbed unless there is reasonable explanation for the delay.' "

24. Applying the aforesaid principles which we are in complete agreement to the facts on hand and test the same it would not detain us for too long to set aside the impugned orders [*Mool Chandra v. Union of India*, 2023 SCC OnLine Del 8673] ' [*Mool Chandra v. Union of India*, 2023 SCC OnLine Del 8674] , inasmuch as the delay of 425 days in filing fresh OA No. 2066 of 2020 has been succinctly explained by the appellant before the Tribunal, namely, it has been contended that there

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was no intimation of withdrawal of the earlier OA by his counsel and the order of withdrawal dated 10-8-2018 [*Mool Chandra v. Union of India*, 2018 SCC OnLine CAT 28651] does not reflect that such withdrawal was based on any memo duly signed by the appellant. Further, the High Court has proceeded to confirm the order of the Tribunal on the footing that penalty imposed on the appellant is only a minor penalty, namely, withholding of one increment without cumulative effect, by completely ignoring the fact that in the earlier round of litigation it had been clearly held that punishment of dismissal imposed on the appellant was totally disproportionate to the alleged act.”

8.5. The Apex Court in the case of **STATE OF ODISHA v.**

SAROJ KUMAR PRADHAN⁵ holds as follows:

“

5. While considering an application for condonation of delay, it is not the length of delay but the cause for delay which will be of paramount consideration. If the cause shown is sufficient and would fall within the four corners of the Section 5 of the Limitation Act, namely, ‘sufficient cause’, such delay deserves to be condoned.”

8.6. The Apex Court in the case of **DEPUTY**

COMMISSIONER AND SLAO v. S.V. GLOBAL MILL LIMITED⁶

holds as follows:

“

84. At this juncture, we deem it necessary to flag certain concerns as to how collusion takes place with the active connivance of the officials. The very appeals before us, approximately 530 in number, are classic examples of such official connivance. As a matter of fact, we find that

⁵ SLP (C) No.25212 of 2024, decided on 17-11-2025.

⁶ 2026 SCC OnLine SC 171

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in most of these cases, even copy applications had not been filed within the time prescribed, pursuant to the judgments delivered by the Reference Court. Even after this judgment was reserved, numerous matters similar to the present ones have come and continue to come before us, from across the country. This clearly indicates the lackadaisical approach in filing appeals before the High Courts under Section 74 of the 2013 Act and the pan-India impact of the same. Incidentally, we also find a delay in the filing of most of the present appeals reiterating the callousness and casual approach of the acquiring bodies. We are also conscious of the fact that an alleged collusion might involve different persons, including the office of the acquiring body and that of their counsel. The delay also exhibits a clear lack of coordination between the two offices.

85. Accountability is an important facet in a constitutional democracy governed by the rule of law. When an instrumentality of the State and its officials act with such connivance and collusion, it not only undermines the administration of justice but also erodes public confidence in the legal system. The repeated failure to pursue remedies within time cannot be brushed aside as mere negligence and calls for fixing responsibility on the erring officials. Even assuming that all the cases may not involve an act of collusion, there is certainly abject carelessness and indifference, especially when disputes involve substantial amounts of money. In most of these cases, it has not been brought to our notice whether any action has been initiated and, thereafter, taken against the officers concerned. Certainly, the malice must be addressed by creating a better management and monitoring system. Accordingly, the appellant(s) are directed to undertake appropriate measures to avoid any delay in the filing of appeals before the High Court or Special Leave Petitions before this Court in the future.

Sheo Raj Singh v. Union of India, (2023) 10 SCC 531

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"35. We find that the High Court in the present case assigned the following reasons in support of its order:

XXXXXXXXXX

35.4. Further, a distinction should be drawn between inordinate unexplained delay and explained delay, where in the present case, the first respondent had sufficiently explained the delay on account of negligence on part of the government functionaries and the government counsel on record before the Reference Court.

35.5. The officer responsible for the negligence would be liable to suffer and not public interest through the State. The High Court felt inclined to take a pragmatic view since the negligence therein did not border on callousness.

XXXXXXXXXX

41. Having bestowed serious consideration to the rival contentions, we feel that the High Court's decision [*Union of India v. Sheo Raj*, 2011 SCC OnLine Del 5511] to condone the delay on account of the first respondent's inability to present the appeal within time, for the reasons assigned therein, does not suffer from any error warranting interference. As the aforementioned judgments have shown, such an exercise of discretion does, at times, call for a liberal and justice-oriented approach by the courts, where certain leeway could be provided to the State. **The hidden forces that are at work in preventing an appeal by the State being presented within the prescribed period of limitation so as not to allow a higher court to pronounce upon the legality and validity of an order of a lower court and thereby secure unholy gains, can hardly be ignored. Impediments in the working of the grand scheme of governmental functions have to be removed by taking a pragmatic view on balancing of the competing interests."**

8.7. Drawing sustenance from the observations of the Apex Court in the afore-quoted judgments, the learned **Additional Advocate General, Sri Gangadhar J.M.** would strenuously contend that the expression 'sufficient cause' must receive a pragmatic, liberal and justice-oriented construction, rather than being confined within the narrow precincts of a pedantic or hyper-technical interpretation. It is his submission that the institutional functioning of the State cannot be equated with the decision-making process of an individual litigant. The State, being an impersonal machinery functioning through several departments, officers and hierarchical channels, is necessarily beset with procedural formalities, administrative exigencies and bureaucratic delays, which ought to receive due judicial recognition. The learned Additional Advocate General would further contend that **it is not the length of the delay that should weigh with the Court, but the sufficiency of the cause that occasioned such delay.** The Court, according to him, cannot remain oblivious to the inherent administrative lethargy and procedural complexities that characterize governmental functioning. He would, therefore, urge that the explanations offered by the State ought not to be rejected

merely on account of the magnitude of the delay, and that a liberal approach, consistent with the overarching objective of advancing substantial justice, should inform the exercise of discretion in favour of condonation.

9. The submissions advanced by the learned Additional Advocate General are, indeed, amongst the finest and most persuasive articulations that we have come across in defence of delayed appeals preferred by the State. They reflect considerable forensic ability and an earnest endeavour to persuade this Court to adopt a liberal construction of the expression 'sufficient cause'. **But, alas! Persuasiveness of advocacy cannot supply what is conspicuously absent in the pleadings; eloquence at the Bar cannot become a substitute for diligence on the part of the litigant.** The ingenuity of the argument, however commendable, cannot efface the indifference manifest in the conduct of the State, nor can the brilliance of the submission transform routine administrative movement into sufficient cause in the eye of law. The learned Additional Advocate General has undoubtedly presented the State's case in its most favourable light. **Yet, the finest advocacy cannot breathe life into an explanation that suffers from an**

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inherent absence of sufficient cause. We remain unconvinced. For, while the law may lean towards substantial justice, it cannot bend so far as to make the discipline of limitation subservient to bureaucratic convenience. A liberal approach is not a licence for lethargy, and a justice-oriented interpretation cannot be permitted to become a charter for condoning prolonged and unexplained governmental inaction.

CASES WHERE THE APEX COURT HAS DECLINED TO
CONDONE DELAY:

10.1. Before the Apex Court in the case of **STATE OF ODISHA v. MANAGING COMMITTEE OF NAMATARA GIRLA HIGH SCHOOL⁷**, the appeal is by the State of Odisha. It is preferred after a delay of 291 days totally. The Apex Court holds as follows:

"....

7. It is noted that there is a delay of 123 days in filing the special leave petition and a further delay of 96 days in re-filing the same after curing defects. In the application for condonation of delay, the State of Odisha seeks to explain the delay by pleading as follows:

"3. It is submitted that the Petitioner on receipt of order of the Hon'ble High Court vide order dated 26.04.2023 and order dated

⁷ **2026 SCC OnLine SC 191**

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21.02.2025 in F.A.O. No. 582 of 2015 and in I.A. No. 126 of 2025 in F.A.O. No. 582 of 2015 the petitioner considered the matter and sent it to the law department opined that it is a fit case for filing the present SLP against the impugned judgments dated 26.04.2023 and order dated 21.02.2025.

4. That the delay in filing the appeal was on account of procedural delay in obtaining approval from the higher authority. The delay caused is not deliberate and intentional.”

8. Ms. Sanjana Saddy, learned counsel appearing for the State of Odisha, submits that the delay in presenting the special leave petition is not deliberate and having regard to the long line of decisions of this Court advocating a liberal approach when an authority under Article 12 of the Constitution is the petitioner seeking condonation of delay, she urges that the delay be condoned and this Court may direct the High Court to examine the challenge to the order dated 30th December, 2013 of the Tribunal on merits, upon revival of the appeal.

9. We had, upon hearing Ms. Sanjana, started dictating an order of dismissal of the special leave petition. It was then that she prayed for withdrawal of the special leave petition. We had so recorded. However, when we were about to rise for the day, Ms. Sanjana prayed for recall of the order of dismissal of the special leave petition as withdrawn; she also submitted, on instructions, that the State of Odisha would invite a detailed order with reasons in support of dismissal of the special leave petition.

10. We recalled the order dismissing the special leave petition as withdrawn and, instead, dismissed the same as time-barred considering paragraphs 3 and 4 of the application for condonation of delay, excerpted above, with the observation that reasons would follow.

11. We now proceed to assign our reasons.

12. No cause, much less sufficient cause, has been shown for exercise of discretion in favour of the State of Odisha. The nature of explanation in

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the application for condonation of delay is such that with much ado, the proceedings could be closed.

13. However, since there is a long line of decisions of this Court propounding the law that the expression 'sufficient cause' employed by the legislature in Section 5 of the Limitation Act, 1963 is adequately elastic to enable the courts to apply the law in a meaningful manner which subserves the ends of justice and in view of the submission of Ms. Sanjana, we have considered it appropriate to consider the matter in some depth.

14. Almost four decades back, in *Collector, Land Acquisition, Anantnag v. Mst Katiji*, a coordinate Bench noting that the justifiably liberal approach which this Court has been adopting in matters instituted before it is not being followed by the courts lower in the hierarchy, mandated that a justice-oriented approach is indeed called for when a 'State' seeks condonation of delay as distinguished from 'a private party'.

15. Close on the heels of *Katiji* (supra), Hon'ble Justice M.N. Venkatachaliah speaking for the coordinate Bench in *G. Ramegowda v. Land Acquisition Officer* had referred to *Katiji* (supra) in paragraph 14 and quoted the following passage therefrom:

"When substantial justice and technical considerations are pitted against each other, cause of substantial justice deserves to be preferred for the other side cannot claim to have vested right in injustice being done because of a non-deliberate delay ...

It must be grasped that judiciary is respected not on account of its power to legalise injustice on technical grounds but because it is capable of removing injustice and is expected to do so."

Immediately thereafter, in paragraphs 15 to 17, it was held as under:

15. In litigations to which Government is a party there is yet another aspect which, perhaps, cannot be ignored. If appeals brought by Government are lost for such defaults, no person is individually affected; but what, in the ultimate

analysis, suffers is public interest. The decisions of Government are collective and institutional decisions and do not share the characteristics of decisions of private individuals.

16. The law of limitation is, no doubt, the same for a private citizen as for governmental authorities. Government, like any other litigant must take responsibility for the acts or omissions of its officers. But a somewhat different complexion is imparted to the matter where Government makes out a case where public interest was shown to have suffered owing to acts of fraud or bad faith on the part of its officers or agents and where the officers were clearly at cross-purposes with it.

17. Therefore, in assessing what, in a particular case, constitutes "sufficient cause" for purposes of Section 5, it might, perhaps, be somewhat unrealistic to exclude from the considerations that go into the judicial verdict, these factors which are peculiar to and characteristic of the functioning of the government. Governmental decisions are proverbially slow encumbered, as they are, by a considerable degree of procedural red tape in the process of their making. A certain amount of latitude is, therefore, not impermissible. It is rightly said that those who bear responsibility of Government must have "a little play at the joints". Due recognition of these limitations on governmental functioning — of course, within reasonable limits — is necessary if the judicial approach is not to be rendered unrealistic. It would, perhaps, be unfair and unrealistic to put government and private parties on the same footing in all respects in such matters. Implicit in the very nature of governmental functioning is procedural delay incidental to the decision-making process. In the opinion of the High Court, the conduct of the law officers of the Government placed the Government in a predicament and that it was one of those cases where the mala fides of the officers should not be imputed to Government. It relied upon and trusted its law officers. ...

16. *Katiji* (supra) and *Ramegowda* (supra) were consistently followed by this Court until

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adoption of a different and seemingly strict approach while dealing with applications for condonation of delay during the last decade and a half became discernible starting with the decision in *Postmaster General v. Living Media India Limited*, where a delay of 427 days in filing the relevant special leave petition was not condoned. *University of Delhi v. Union of India* is another decision (of a three-Judge Bench of this Court) where delay of 916 days was not condoned. While upholding the decision of the relevant high court under challenge refusing to condone the delay of 5659 days in presentation of an appeal under Section 54 of the Land Acquisition Act, 1894 by the heirs of a deceased landowner, a coordinate Bench in *Pathapati Subba Reddy v. Collector(LA)* very recently reiterated that the law of limitation is founded on public policy, the object is that a legal remedy is put to an end so that no litigation remains pending for an indefinite period. It was also held, departing from the earlier view, that the merits of the case cannot be considered at the stage of considering the application for condonation of delay.

17. Indeed, one of us [Dipankar Datta] in *Sheo Raj Singh v. Union of India* authoring the judgment for a coordinate Bench adopted the view taken in *Katiji* (supra), *Ramegowda* (supra) and a host of other decisions following the same while not interfering with an order of condonation of delay passed by the relevant high court. However, it was observed that a distinction ought to be drawn between an 'explanation' and an 'excuse' that is proffered as cause for condonation of delay. It was also emphasized that a different approach has to be adopted while this Court is considering an application for condonation of delay in presentation of an appeal/application and when it sits in appeal over a discretionary order of the high court granting the prayer for condonation of delay. In the case of the former, whether to condone or not would be the only question whereas in the latter, whether there has been proper exercise of discretion in favour of grant of the prayer for condonation has to be examined.

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18. However, what perhaps remained unnoticed in any of the decisions post *Katiji* (supra) and *Ramegowda* (supra) adopting a liberal approach is the exasperation and consequent lament expressed by none other than Hon'ble M.N. Venkatachaliah, CJI. in course of authoring a brief order in *Commissioner of Wealth Tax, Bombay v. Amateur Riders Club, Bombay* and admonishing officers of the "revenue" in not acting with promptitude. This order was made within six years of the decision in *Ramegowda* (supra). We can do no better than quoting the same in its entirety hereunder:

1. We have heard Shri S.C. Manchanda, learned senior counsel for the Revenue.
2. This special leave petition filed on November 16, 1993 is delayed by 264 days. For quite some time in the past, this Court has been making observations as to the grave prejudice caused to public interest by appeals brought on behalf of the Government being lost on the point of limitation. Such observations have been made for over a few years in the past. But there seems to be no conspicuous improvement as is apparent in the present petition which is filed in November 1993. The explanation for the delay, had better be set out in petitioner's own words:

"(g) The Advocate-on-Record got the special leave petition drafted from the drafting Advocate and sent the same for approval to the Board on June 24, 1993 along with the case file. (h) The Board returned the case file to the Advocate-on-Record on July 9, 1993 who re-sent the same to the Board on September 20, 1993 requesting that draft SLP was not approved by the Board. The Board after approving the draft SLP sent this file to CAS on October 1, 1993."

3. This explanation is incapable of furnishing a judicially acceptable ground for condonation of delay. After the earlier observations of this Court made in several cases in the past, we hoped that the matters might improve. There seems to

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be no visible support for this optimism. There is a point beyond which even the courts cannot help a litigant even if the litigant is Government which is itself under the shackles of bureaucratic indifference. Having regard to the law of limitation which binds everybody, we cannot find any way of granting relief. It is true that Government should not be treated as any other private litigant as, indeed, in the case of the former the decisions to present and prosecute appeals are not individual but are institutional decisions necessarily bogged down by the proverbial red-tape. But there are limits to this also. Even with all this latitude, the explanation offered for the delay in this case merely serves to aggravate the attitude of indifference of the Revenue in protecting its common interests. The affidavit is again one of the stereotyped affidavits making it susceptible to the criticism that the Revenue does not seem to attach any importance to the need for promptitude even where it affects its own interest.

4. The application for condonation of delay is, accordingly, dismissed. The special leave petition is, therefore, dismissed as barred by time.

(emphasis ours)

19. Reading *Ramegowda* (supra) and *Amateur Riders* (supra), one after the other, leaves none in doubt that it did not take much time for this Court to lose hope. It is absolutely clear that the law was laid down in *Ramegowda* (supra), following *Katiji* (supra), with much optimism that matters would improve. Their Lordships, however, found no visible support for such optimism and the Court's patience having been tested to the extreme limit, held that there is a point beyond which even the courts cannot help a litigant even if the litigant labouring under the shackles of bureaucratic indifference is the Government.

20. We have found the State of Odisha to be utterly lethargic, tardy and indolent not only before

the High Court but also before this Court. Notwithstanding that its appeal was dismissed as time-barred by the High Court, this Court has been approached by the State of Odisha four months after expiry of the period of limitation.

21. Condonation of delay cannot be claimed as a matter of right. It is entirely the discretion of the Court whether or not to condone delay. Despite all the latitude that is shown to a "State", we are of the clear opinion that the cause sought to be shown here by the State of Odisha is not an explanation but a lame excuse. No case for exercise of discretion has been set up.

22. The applications for condonation of delay in filing the special leave petition and condonation of delay in re-filing the same, thus, stand rejected, with the result that the special leave petition stands dismissed as time-barred."

The Apex Court holds that the State of Odisha was utterly lethargic, tardy and indolent. Condonation of delay cannot be claimed as a matter of right. It is entirely the discretion of the Court whether or not to condone the delay. Despite all the latitude that is shown to a State, the Apex Court was of the opinion that the cause sought to be shown by the State is not an explanation but a lame excuse.

9.2. The Apex Court later in the case of **ISRAR AHMAD KHAN v. AMARNATH PRASAD**⁸ was considering a condonation

⁸ **2026 SCC OnLine SC 322**

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petition. Alleging recalcitrant attitude on the part of the State,
the Apex Court observes as follows:

"....

**BELATED/DELAYED APPEALS TO DELAY/DEFEAT
IMPLEMENTATION:**

27. Delayed filing of appeals should be the exception, but in recent times, the exception has practically evolved to become the rule. Orders passed by the Courts are not complied with for a long time, and when Contempt Petitions are filed, belated appeals, with tremendous delay, are preferred.

28. The (alleged) continuing contumacious conduct of the defaulting party is sought to be justified on the mere production of a Diary/Filing/Stamp Reporting Number showing that an appeal has been preferred, so as to obtain multiple adjournments in contempt matters.

29. We, in no uncertain terms, deprecate these practices. It is felt that by such *modus operandi*, disobedient litigants act brazenly which has the further effect of bringing down the authority and majesty of the Courts and the rule of law, interfering in the administration of justice. The same may well, in certain situations, border on criminal contempt.

30. The High Courts should deal with such unscrupulous litigants, more so when they happen to be 'State', within the meaning of Article 12 of the Constitution, or like bodies, with an iron hand. Unless the High Courts, so also this Court deal with these aspects firmly, we run the clear risk of erosion of the unflinching faith that the ordinary litigants of this country repose in the Judiciary at all levels. It is the solemn duty of all of us manning the Courts across the hierarchy to ensure that the public faith never wavers."

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The Apex Court holds that the High Courts should deal with unscrupulous litigants, more so when they happen to be State within the meaning of Article 12 of the Constitution of India or like bodies with iron hand. Unless the High Courts, so also the Apex Court deal with these aspects firmly, we run the clear risk of erosion of the unflinching faith of the ordinary litigants in the country repose in the judiciary at all levels. The duty of Courts across all the hierarchy should be to ensure that public faith never wavers.

9.3. The Apex Court in the case of **SHIVAMMA v. KARNATAKA HOUSING BOARD**⁹ holds as follows:

"....

245. As already discussed in the earlier parts of this judgment, State or any of its instrumentalities cannot be accorded preferential treatment in matters concerning condonation of delay under Section 5 of the Limitation Act. *G. Ramegowda, Major* (supra) itself acknowledges that, ordinarily there is "no general principle saving the party from all mistakes of its counsel or agents". Even if "there is negligence, deliberate or gross inaction or lack of bona fides on the part of the party or its counsel there is no reason why the opposite side should be exposed to a time-barred appeal". The relevant observations read as under:—

"14. The contours of the area of discretion of the courts in the matter of condonation of delays in filing appeals are set out in a number of

⁹ 2025 SCC OnLine SC 1969

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pronouncements of this Court. See: Ramlal, Motilal and Chhotelal v. Rewa Coalfield Ltd.; Shakuntala Devi Jain v. Kuntal Kumari; Concord of India Insurance Co. Ltd. v. Nirmala Devi; Lala Mata Din v. A. Narayanan; Collector, Land Acquisition v. Katiji. There is, it is true, no general principle saving the party from all mistakes of its counsel. If there is negligence, deliberate or gross inaction or lack of bona fides on the part of the party or its counsel there is no reason why the opposite side should be exposed to a time-barred appeal.

246. However, the reason why, this Court nonetheless, held that acts of fraud or bad faith on the part of its officers or agents should not be imputed to the Government atleast for condonation of delay was in view of the earlier position of law, whereby the State and its instrumentalities were not placed on the same pedestal as any ordinary private litigant, in view of the impersonal character of the Government as an entity.

247. But the position of law is no longer this. As per *Postmaster General* (supra) and the subsequent decisions of this Court, consideration for condonation of delay under Section 5 of the Limitation Act does not and cannot vary depending on the identity or status of the party, whether it be the Government, a public body, or a private litigant, so as to apply a different yardstick.

248. The subsequent decision of this Court in *Tejpal* (supra), after duly taking note of the change in position of law, specifically rejected the contention that acts of *mala fides* on the part of specific individuals should not be imputed to the State or its instrumentalities. It held that to accept such a proposition would amount to creating an artificial distinction between the private parties and the Government entities vis-à-vis the law of limitation. The relevant observations read as under:—

"54. It seems to us that acceding to the appellants' request on the aforesaid account would also have undesirable consequences. If delay were to be condoned merely on the

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basis of a broad general assertion of bureaucratic indifference, without requiring demonstration of bona fides or an act of mala fides on the part of specific individuals, it would create an artificial distinction between the private parties and the Government entities vis-à-vis the law of limitation. This would not be in conformity with the spirit of equality before law as guaranteed under our Constitution. Allowing such latitude would further distort incentives for the Government and encourage more laxity by the bureaucracy in its general functioning, thereby undermining quality governance."

(Emphasis supplied)

249. Once the State chooses to litigate, it must shoulder the same responsibilities and abide by the same limitations that bind every litigant. To permit the State to evade the consequences of delay on the ostensible plea that the fault lay with individual officers would amount to diluting the rigour of limitation statutes and undermining their very object. Such an approach would not only privilege the State unjustly over private parties but would also perpetuate a culture of indifference and irresponsibility within the administration.

250. As far back as 1996, this Court in *Chandra Mani* (supra) held that where the case requires an appeal or application to be filed, despite the delay, then prompt action should be pursued by the officer responsible to file the appeal and he should be made personally responsible for lapses, if any. Thus, even if for a moment, we accept that, *mala-fide* actions of few officers should not be imputed to the Government, the position still remains that, once the State or its instrumentality finds that, few of its officers were negligent, it should promptly take action to file the appeal or application, as the case may be, through its other officers and simultaneously take action against the delinquent officers.

251. As already observed, in the present case at hand, despite the callousness exhibited by the Executive Engineer, the respondent no. 1 herein took no steps

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towards mitigating the delays and ensuring that the appeal was preferring as soon as possible. On the contrary, the Executive Engineer was appointed to make representations for the respondent no. 1 in the proceedings. Even the disciplinary proceedings against the concerned Executive Engineer came to be initiated much later, to be precise exactly a month before the date on which the application for condonation of delay was filed. In such circumstances, even if we do not impute the deliberate inaction or *mala fides* on the part of the Executive Engineer to the respondent no. 1 herein, there is nothing to show that the respondent no. 1 acted in a reasonably diligent manner.

252. Even if the case put up by the respondent no. 1 is to be accepted at its face value, the respondent no. 1 could be said to have failed to assign any genuine sufficient cause to justify the delay from the date of receiving intimation about the order of the First Appellate Court, passed on 15.04.2006 till the expiry of the limitation period, which was sometime in July 2006, because it was only in the correspondence dated 17.10.2006 that the respondent no. 1, while acknowledging the advice tendered by its advocate, reflected that it would prefer a second appeal. We have little to no hesitation in saying that on 17.10.2006, it was already too late in the day to take any decision or make any forms of mind. Nonetheless, the second appeal was only filed on 10.02.2017, with a delay of almost 11 years.

253. As already noted in the foregoing parts of this judgment the respondent no. 1 could be said to have failed to explain the delay on its part from the date of the receipt of the order of the First Appellate Court till the expiry of the limitation period.

254. We say so because if such observations by the High Court, to condone delay in the interest of a State-machinery, were allowed to be sustained by us, it would allow the State-machineries a leeway to systematically orchestrate delays in the guise of laxity exhibited by their authorities. Given the majesty and colossality a State-machinery

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would hold against a private litigant, it would be grossly unfair to a litigant, who would be perpetually entangled in the clutches of litigation, if enormous delays, like that of almost 11 years in the present case, are permitted to be condoned. This Court has never turned a blind eye to the gradients of substantive justice.

255. It hardly matters whether a litigant is a private party or a State when it comes to condoning the gross delay of more than 11-years. If the litigant chooses to approach the court long after the lapse of the time prescribed under the relevant provisions of the law, then he cannot turn around and say that no prejudice would be caused to either side by the delay being condoned. This litigation between the parties started in 1989. We are in 2025. Almost 36 years have elapsed. However, till date the respondent has not been able to reap the fruits of his decree. The High Court has made a mockery of justice by condoning this delay of 3966 days and once again ask the appellant to undergo the rigmarole of the legal proceedings.

256. As far as the contention of the respondent no. 1 is concerned *apropos* to the merits of molding of relief by awarding of compensation by the First Appellate Court, the same is squarely answered by the principles encapsulated in *Pathapati Subba Reddy* (supra), wherein it is categorically maintained that the court considering a condonation of delay ought not go into the merits of the case at hand.

257. We also wish to highlight that the High Court applied the legal position incorrectly in the impugned order and performed an exercise of "merit-hunting". It gave a *prima facie* relevance to the argument of the respondent no. 1 on the grounds that the suit of the appellant was not at all maintainable in the first place. In paragraph 13 of the impugned order, **the High Court recorded that a semblance of right in favour of respondent no. 1 swayed its mind to allow the condonation of delay, and it accepted the same as a "sufficient cause". We hold such observations to be erroneous and ex facie bad in law. Similar contentions were rejected by this Court in *State of***

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Madhya Pradesh v. Bherulal, (2020) 10 SCC 654, wherein the appellant-State was seeking a condonation of delay of 663 days. This Court sternly noted that it will not let the courts to be forums wherein the Government can walk-in, when it desires, entirely ignoring the period of limitation, and buttress reliance on cases of this Court wherein it allowed condonation, employing its discretionary powers, on merits or modalities of peculiarities of those cases. Relevant paragraphs are extracted below:

"3. No doubt, some leeway is given for the government inefficiencies but the sad part is that the authorities keep on relying on judicial pronouncements for a period of time when technology had not advanced and a greater leeway was given to the Government [...]

xxx xxx xxx

5. A preposterous proposition is sought to be propounded that if there is some merit in the case, the period of delay is to be given a go-by. If a case is good on merits, it will succeed in any case. It is really a bar of limitation which can even shut out good cases. This does not, of course, take away the jurisdiction of the Court in an appropriate case to condone the delay.

6. We are also of the view that the aforesaid approach is being adopted in what we have categorised earlier as "certificate cases". The object appears to be to obtain a certificate of dismissal from the Supreme Court to put a quietus to the issue and thus, say that nothing could be done because the highest Court has dismissed the appeal. It is to complete this formality and save the skin of officers who may be at default that such a process is followed. We have on earlier occasions also strongly deprecated such a practice and process. There seems to be no improvement. The purpose of coming to this Court is not to obtain such certificates and if the Government suffers losses, it is time when the officer concerned responsible for the same bears the consequences. The irony is that in none of the cases any action is taken against the officers, who sit on the files and do nothing. It is presumed that this Court will condone the delay and even in making submissions, straightaway the counsel appear to

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address on merits without referring even to the aspect of limitation as happened in this case till we pointed out to the counsel that he must first address us on the question of limitation.

7. We are thus, constrained to send a signal and we propose to do in all matters today, where there are such inordinate delays that the Government or State authorities coming before us must pay for wastage of judicial time which has its own value. Such costs can be recovered from the officers responsible."

(Emphasis supplied)

258. The length of the delay is a relevant matter which the court must take into consideration while considering whether the delay should be condoned or not. From the tenor of the approach of the respondents, it appears that they want to fix their own period of limitation for instituting the proceedings for which law has prescribed a period of limitation. Once it is held that a party has lost his right to have the matter considered on merits because of his own inaction for a long, it cannot be presumed to be non-deliberate delay and in such circumstances of the case, it cannot be heard to plead that the substantial justice deserves to be preferred as against the technical considerations. 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 fides* 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 that the court may bring into aid the merits of the matter for the purpose of condoning the delay.

259. We are of the view that the question of limitation is not merely a technical consideration. The rules of limitation are based on the principles of sound public policy and principles of equity. We should not keep the 'Sword of Damocles' hanging over the head of the respondent for indefinite

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period of time to be determined at the whims and fancies of the appellants.

260. From the above exposition of law, it is abundantly clear that the High Court has erroneously condoned a massive delay of 3966 days on account of certain lapses at the administrative levels and of there being no follow-ups in the proceedings, along with finding certain merits in the case of the respondent no. 1 against the maintainability of the suit of the appellant and that of the relief molded by the First Appellate Court. We have no hesitation in stating that such grounds are nowhere near to being "*sufficient cause*" as per Section 5 of the 1963 Act. The High Court lost sight of the fact that the precedents and authorities it relied upon by it had delays of two-digits, or even that of single-digit, more particularly the delay in those cases was supported by sufficient cause. The present case, however, stands on a very different footing, owing to such an enormous delay. Hence, we are not inclined to accept the condonation of the delay by the High Court.

V. CONCLUSION

261. Thus, for the reasons aforesaid, the impugned order of the High Court deserves to be set aside. Before we proceed to close this judgment, we deem it appropriate to make it abundantly clear that administrative lethargy and laxity can never stand as a sufficient ground for condonation of delay, and we want to convey an emphatic message to all the High Courts that delays shall 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, who also equally suffer the bars of limitation from pursuing litigations due to its own lackadaisical attitude.

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262. The High Courts ought not give a legitimizing effect to such callous attitude of 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. We are at pains to reiterate this everlasting trend, and put all the High Courts to notice, not to reopen matters with inordinate delay, until sufficient cause exists, as by doing so the courts only add insult to the injury, more particularly in appeals under Section 100 of the CPC, wherein its jurisdiction is already limited to questions of law.

263. Limitation periods are prescribed to maintain a sweeping scope for the *lis* to attain for finality. More than the importance of judicial time, what worries us 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, it is our obligation that we assure that a litigant is not sent from pillar to post to seek justice.

264. No litigant should be permitted to be so lethargic and apathetic, much less be permitted by the courts to misuse the process of law.

265. In the result, this appeal stands allowed. The impugned judgment and order of the High Court is hereby set aside. Apart from the costs of Rs. 25,000/- imposed by the High Court, to be paid by the respondent no. 1 to the appellant, we impose an additional cost of Rs. 25,000/- on the respondent no. 1, to be paid to the

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Karnataka State Legal Services Authority within a period of four weeks from today.”

9.4. A conspectus of the afore-quoted judgments of the Apex Court would unmistakably reveal the evolution of the law governing condonation of delay, particularly where the State or its instrumentalities seek the indulgence of the Court. The journey of the law, commencing with the liberal and justice-oriented approach in the cases of **COLLECTOR, LAND ACQUISITION, ANANTNAG v. MST. KATIJI** reported in **(1987) 2 SCC 107** and **G. RAMEGOWDA v. SPECIAL LAND ACQUISITION OFFICER** reported in **(1988) 2 SCC 142**, has traversed through the cases of **POSTMASTER GENERAL v. LIVING MEDIA INDIA LIMITED** reported in **(2012) 3 SCC 563**, **UNIVERSITY OF DELHI v. UNION OF INDIA** reported in **(2020) 13 SCC 745**, **STATE OF MADHYA PRADESH v. BHERULAL** reported in **(2020) 10 SCC 654** and **PATHAPATI SUBBA REDDY v. SPECIAL DEPUTY COLLECTOR (LA)** reported in **(2024) 12 SCC 336**, culminating in the emphatic pronouncements in the cases of **MANAGING COMMITTEE OF NAMATARA GIRLA HIGH SCHOOL** and **SHIVAMMA** *supra*. The thread that runs through these pronouncements is

unmistakable. **The law may accommodate genuine administrative difficulties, but it cannot countenance administrative indifference masquerading as sufficient cause.**

9.5. The earlier latitude extended to the State was founded upon the recognition that governmental decisions are institutional, often passing through several layers of administrative scrutiny. Such latitude, however, was never intended to be boundless. What was conceived as a measure to advance substantial justice cannot be converted into an instrument for perpetuating bureaucratic lethargy. The indulgence of the Court is not an inexhaustible reservoir from which the State may draw whenever it chooses to awaken from its administrative slumber.

9.6 The Apex Court in the case of **MANAGING COMMITTEE OF NAMATARA GIRLA HIGH SCHOOL** *supra* has reiterated that condonation of delay is not a matter of right and that a distinction must be maintained between a genuine explanation and a convenient excuse.

9.7. In the case of **SHIVAMMA** *supra*, the Apex Court has spoken with even greater emphasis, declaring that the identity of a litigant, whether State or citizen, cannot determine the standard by which sufficient cause is assessed. The constitutional promise of equality before law would be rendered illusory if the State were permitted to claim an immunity from limitation which is denied to the ordinary citizen. The Apex Court has cautioned against allowing litigants to remain perpetually entangled in litigation merely because the State chooses to invoke appellate remedies at its leisure.

9.8. The judgment of the Apex Court in the case of **ISRAR AHMAD KHAN** *supra* adds yet another dimension of considerable significance. The Apex Court has deprecated the practice of allowing judicial orders to remain unimplemented, only to prefer belated appeals when contempt proceedings are instituted. Such conduct does not merely prejudice the successful litigant; it strikes at the authority of judicial pronouncements and threatens the public confidence upon which the administration of justice rests. **A judicial order cannot be treated as an administrative suggestion, to be obeyed at convenience and challenged at leisure.**

9.9. The principles emerging from these judgments admit of little ambiguity. The length of delay is undoubtedly relevant, but its explanation is paramount. A short delay unsupported by sufficient cause may deserve rejection, while a longer delay satisfactorily explained may warrant condonation. What the law demands is not a ritualistic recital of dates, movements of files and exchange of correspondence, but a credible demonstration of diligence, bona fides and circumstances that genuinely prevented timely recourse to law. **The expression 'sufficient cause' is elastic enough to advance justice, but not so elastic as to accommodate indolence without end.** The judgments relied upon by the learned Additional Advocate General and the learned counsel appearing for the University must necessarily be understood in the light of this settled and subsequently reinforced exposition of law.

10. The matter does not rest with judicial pronouncements alone. The State of Karnataka is not bereft of a statutory framework governing the conduct of its litigation. It has enacted the **Karnataka Conduct of Government Litigation Act, 2023**, ('the Act' for short), which came into force on 27-07-2023, with the avowed object of ensuring efficiency,

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responsibility and expedition in the conduct of governmental litigation before Courts and statutory Tribunals. The relevant provisions of the Act read as follows:

"....

3. Definitions.- (1) In this Act, unless the context otherwise requires.-

....

(g) "Law Officer" has the same meaning as in the Karnataka Law Officers (Appointment and Conditions of Service) Rules, 1977;

....

(i) "Litigation Conducting Officer" means, in relation to each case, the Officer in the department concerned who is placed in charge of the conduct of litigation in that case;

....

CHAPTER V

APPEAL REVIEW AND REVISION

29. Appeal by the Government.- (1) Where orders are issued authorizing filing of appeal, review or revision, the Litigation Conducting Officer shall approach the concerned Law Officer and give him necessary instruction to prepare the memorandum of appeal, review or revision and to present the same before the concerned Court well within the period of limitation.

(2) The Law Officer shall examine and take all relevant and available pleas in the memorandum and to present it before the Court in due time. Copy of the memorandum filed into the Court, shall be sent to the Law Secretary, who shall examine and satisfy himself that all relevant available pleas have been taken. In case there is any omission or infirmity, the Law Officer shall be directed to file additional grounds of appeal to court. The

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Law Officer shall also inform the number and particulars of the appeal, review or revision filed to the Law Department.

(3) Wherever an appeal, review or revision is filed it shall be the duty of the Litigation Conducting Officer and the Law Officer to move the Appellate Court immediately with appropriate Interlocutory Applications for an order of stay of the order of Lower Court's or other appropriate relief. Such application shall, be filed without waiting for specific orders of the Law Department.

(4) In cases where there is delay in preferring the appeal Memorandum of Appeal shall be presented to the Court along with Application seeking to condone the delay supported by proper affidavit explaining the reasons for the delay, sworn to by a competent Officer.

(5) Where there is delay in preferring the appeal, review or revision, the officer responsible for such delay, the Law Secretary shall communicate about the lapse to the Departmental Secretary for taking suitable action.

....

CHAPTER VI WRIT PETITIONS FILED AGAINST THE GOVERNMENT

....

38. Writ Appeals.- The provision of chapter V shall apply mutatis-mutandis to appeals against orders in writ proceedings."

(Emphasis supplied at each instance)

In terms of Section 3(1)(i) of the Act, a Litigation Conducting Officer would be the Officer in the department concerned who is placed in charge of the conduct of litigation in that case. Section

29 of the Act delineates the procedure governing appeals by the Government. Sub-section (4) of Section 29 mandates that where there is delay in preferring the appeal, the Memorandum of Appeal shall be presented to the Court along with application seeking to condone the delay supported by proper affidavit explaining the reasons for the delay, sworn to by a competent Officer. Sub-section (5) of Section 29 mandates that where there is delay in preferring the appeal, review or revision, the officer responsible for such delay, the Law Secretary shall communicate about the lapse to the Departmental Secretary for taking suitable action. Section 38 of the Act makes the provisions of Chapter V of the Act applicable, *mutatis mutandis*, to appeals arising from writ proceedings. The statutory framework thus prescribes a disciplined course for governmental decision-making for the successive stages preceding the institution of an appeal.

11. The orders impugned in all the appeals before us were rendered after the coming into force of the aforesaid enactment. Yet, not one of the appeals demonstrates adherence to the statutory discipline contemplated therein. The time limits

prescribed for movement of files, securing opinions and taking decisions appear to have been thrown to the winds. The State, which enacted the law to bring order and accountability into governmental litigation, has itself failed to demonstrate fidelity to its mandate. **The irony is unmistakable: the State enacted a law to arrest red-tapism, but red-tapism appears to have arrested the operation of the law.**

12. The State has also issued administrative instructions prescribing the manner in which legal opinions are to be obtained and appeals are to be preferred. Therefore, the difficulty is not the absence of a litigation policy, nor the want of a statutory mechanism. The difficulty lies in the failure to translate the statutory command into administrative action. **A law enacted by the State cannot remain a mere ornament in the statute book, commanding obedience from everyone except its own author.** The State must be the first to honour the discipline of the law that it has chosen to enact.

13. In the cases at hand, the explanations offered for delays ranging from **466 days to 1099 days** are variations of

the same familiar refrain: files moved from table to table, correspondence passed from officer to officer, legal opinions were sought and documents were collected. These explanations chronicle administrative activity; they do not establish sufficient cause. What compounds the concern is that the appeals appear to have been preferred only after the writ petitioners initiated contempt proceedings complaining of non-compliance with the orders of the learned Single Judges. The machinery that remained unmoved by the judicial directions appears to have sprung into action when confronted with the prospect of contempt.

14. Such a practice cannot receive the imprimatur of this Court. The successful litigant cannot be condemned to an endless wait for the fruits of a judicial order, while the State invokes its own administrative inefficiency as justification for reopening the litigation. **The State is expected to be a model litigant, not a privileged procrastinator.** Its obligation is to uphold the rule of law, not to seek exceptions from its operation.

15. We are conscious that the power to condone delay is discretionary and must be exercised to advance substantial justice. But substantial justice is not the exclusive preserve of the appellant seeking condonation. It equally embraces the rights of the successful litigant, the sanctity of judicial orders and the finality that the law of limitation is intended to secure. A liberal approach cannot become a one-sided indulgence that rewards the indolent and penalizes the diligent.

16. The applications before us disclose no exceptional circumstance, no compelling impediment and no credible explanation that could constitute sufficient cause for the extraordinary delays. **What is presented as an explanation is, in substance, an assortment of administrative excuses; what is sought as judicial indulgence would, if granted, amount to judicial endorsement of bureaucratic apathy.**

17. The law cannot permit such a consequence. The State and the University must stand before the law of limitation on the same footing as every other litigant. To hold otherwise would be to confer a premium upon inaction and reduce the statutory

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prescription of limitation to a matter of administrative choice. The applications seeking condonation of delay, therefore, fail to inspire judicial confidence and deserve rejection.

18. For the aforesaid reasons, we find no sufficient cause demonstrated for condonation of the inordinate delays in preferring the respective appeals. The explanations offered are wholly inadequate to warrant exercise of discretion in favour of the appellants. Consequently, **the applications seeking condonation of delay stand rejected and, as a necessary corollary, all the appeals stand dismissed as barred by limitation.**

Sd/-
(M.NAGAPRASANNA)
JUDGE

Sd/-
(HEMA KULKARNI)
JUDGE

BKP
CT: ASC