

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

SPECIAL LEAVE PETITION (CIVIL) Diary No(s). 971/2020

(Arising out of impugned final judgment and order dated 07-01-2017 in WPMS No. 588/2012 passed by the High Court of Uttarakhand at Nainital)

THE STATE OF UTTAR PRADESH & ANR.

Petitioner(s)

VERSUS

PREM CHANDRA

Respondent(s)

(FOR ADMISSION and I.R. and IA No.98467/2020-CONDONATION OF DELAY IN FILING and IA No.98466/2020-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.98465/2020-EXEMPTION FROM FILING O.T. and IA No.98468/2020-CONDONATION OF DELAY IN REFILEING / CURING THE DEFECTS)

Date : 27-11-2020 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL
HON'BLE MR. JUSTICE HRISHIKESH ROY

For Petitioner(s) Mr. V. Shekhar, Sr. Adv.
Mr. Raghvendra Singh, Sr. Adv./AG
Mr. Rajeev Kumar Dubey, Adv.
Mr. Sheetal Rajput, Adv.
Mr. Ashiwan Mishra, Adv.
Mr. Kamalendra Mishra, AOR

For Respondent(s) Mr. Mohit Kumar Gupta, AOR
Ms. Sushmita Mahala, Adv.

UPON hearing the counsel the Court made the following
O R D E R

IA No.98467/2020-CONDONATION OF DELAY IN FILING
IA No.98468/2020-CONDONATION OF DELAY IN REFILEING / CURING
THE DEFECTS

Respondent No.1 who was engaged as a Beldar/Chaukidar on 01.08.1985 and claims to have continuously worked for up to 30.4.1987. He raised an industrial dispute as he was

retrenched without following due process of law. The matter was referred to the Labour Court and it took almost 20 years to make the award which was delivered on 05.11.2009. This award also remained unchallenged by the petitioners/State Government till Writ Petition was filed before the High Court in the year 2012. The impugned order dismissing the Writ Petition was passed on 07.01.2017. The present petition has been filed after a delay of 1006 days and then there is a refiling delay of 235 days.

We have set out the aforesaid facts to show the callous manner in which these proceedings have gone on. The fact that the matter should have gone on for two decades before the Tribunal in case of a labour dispute is itself a travesty of justice. That the petitioner takes its own time to assail the same before the High Court is the next stage and finally it has taken them almost three years to get this petition before the Supreme Court.

The application for condonation of delay is a usual one showing the file moving from one place to the other. The reliance again on different judgments including *Collector, Land Acquisition, Anantnag & Anr. v. Mst. Katiji & Ors.* - (1987) 2 SCC 107 is followed by referring to judgments of the different vintage, if one may say so. There is complete non-reference to the judgment in the case of *Office of the Chief Post Master General & Ors. v. Living Media India Ltd. & Anr.* (2012) 3 SCC 563. It is the latter judgment which sets out the position after technology has come to the aid of the

Governments.

We have had opportunity to deal with such matters and have extended cautions to the State Governments not to come to this Court only to obtain the certificate of dismissal what we have called as "certificate cases", so as to put a quietus to the matter and absolve the officers of the responsibility of not having performed their duties. A detailed discussion in this behalf is in SLP [C] Diary No.9217/2020- *State of Madhya Pradesh & Ors. v. Bherulal* decided on 15.10.2020. We have again referred to this position in *Municipal Corporation of Greater Mumbai & Ors. v. Uday N. Murudkar* in SLP [C] Diary No.9228/2020 decided on 15.10.2020. It appears that the cautions extended from time to time are falling on deaf ear. If the petitioners feel that the period of limitation prescribed by the Legislature is not sufficient, given their inefficiencies and incompetence, then it is for them to persuade the Legislature to change the Law of Limitation so far as applicable to the Government is concerned. Till the Law remains, it must be applied as it stands.

We also find that no action is ever taken against the personnel responsible for the delay and to save their skin, these special leave petitions are filed wasting judicial time.

We are thus, not inclined to let go the matter at this and do consider appropriate, as in the other cases, to impose costs on the petitioners for having wasted judicial time.

The petitioners should recover the costs from the officers responsible for the delay and if by the impugned judgment any loss has been caused to the petitioners, it is always open to them to recover that also from the officers concerned.

We thus dismiss the special Leave petition with costs of Rs.15,000/- to be paid to the respondent No.1 who is on caveat, within one month from today.

Certificate of recovery be filed within eight weeks from the officer concerned after holding the requisite enquiry.

The special leave petition is accordingly dismissed on delay.

Pending applications shall also stand disposed of.

(ANITA MALHOTRA)
COURT MASTER

(ANITA RANI AHUJA)
ASSISTANT REGISTRAR