

[2010] 12 S.C.R. 201

STATE OF JHARKHAND & ORS.

v.

KRISHNA PRADHAN & ORS.

(SLP No. 29275 of 2010)

OCTOBER 1, 2010

**[MARKANDEY KATJU AND T.S. THAKUR, JJ.]**

**GOVERNMENT LITIGATION:**

*Inordinate delay in filing writ petitions/appeals – Held: Cases are coming before Supreme Court and High Courts where appeals or writ petitions are filed by the government or the State Authorities after inordinate delay and an explanation is sought to be given in the application for condonation of delay that the file was moved from one desk to another or the approval was sought from the higher authority which took considerable time – This practice is often adopted by officials of various State Governments and has become a regular feature – The explanation usually given for the delay is the red tape in government offices – It is high time that this mal-practice be severely rooted out and an effectual mechanism be adopted all over the country so that such delays do not occur in future – The Chief Secretary for the State of Jharkhand will file an affidavit explaining what action has been taken against the officials causing the delay – In case, no action has been taken, reasons for the same be mentioned – Let the copy of this order be sent to Solicitor General of India, who is requested to assist the Court as an amicus curiae – Copies shall also be sent to the Chief Secretaries of all the States so that effective action may be taken in this regard – Administration of Justice – Delay/Laches – Delay by Government authorities in filing writ petitions/appeals.*

CIVIL APPELLATE JURISDICTION : Special Leave  
Petition (C) No. 29275 of 2010.

A From the Judgment & Order dated 1.4.2009 of the High Court of Jharkhand at Ranchi in SA No. 216 of 2005.

Ratan Kumar Choudhuri for the Petitioners.

B Nagendra Rai, Ranjeet Kumar for the Respondents.

The following Order of the Court was delivered

### ORDER

C Issue notice.

In this case, second appeal before the High Court was filed after 501 days. In this Court also the petition has been filed after delay of more than one year.

D It appears that cases are coming up before this Court, and probably before the High Court also, where appeals or writ petitions are filed after inordinate delay and an explanation is sought to be given in the application for condonation of delay in such cases filed by the government or the State Authorities that the file was moved from one desk to another or the approval was sought from the higher authority which took considerable time. We feel that the beneficiary of the judgment may be hand in glove with the officials in the Government Department who deal with the files, and files are suppressed for a long period, and then the appeal before the High Court or Supreme Court is filed after a long delay to get the appeal dismissed on the ground of delay. Huge amounts of public money of public property may be involved and the Government will be the loser on the technical point of limitation in such cases. This racket has been going on for a long time not only before the Supreme Court but also before the High Courts. Now the time has come that this racket should come to an end and the officials responsible for this be given severe punishment.

H The Chief Secretary for the State of Jharkhand will file an affidavit explaining what action has been taken against the

officials causing the delay. In case, no action has been taken, reasons for the same be mentioned.

A

This practice is often adopted by officials of various State Governments and has become a regular feature. The explanation usually given for the delay is the red tape in government offices.

B

It is high time that this mal-practice be severely rooted out and an effectual mechanism be adopted all over the country so that such delays do not occur in future.

C

Let a copy of this order be sent to the learned Solicitor General of India, who is requested to assist us as amicus curiae.

Copies shall also be sent to the Chief Secretaries of all the States so that effective action may be taken in this regard. Issue notice to all Chief Secretaries of States/Union Territories in India.

D

Mr. Nagendra Rai, Sr. Advocates appears on behalf of respondent Nos. 1 to 3. He prays for and is granted four weeks' time to file counter affidavit. List on 8.11.2010.

E

R.P.

Matter adjourned.